



# The Role of NGOs and Trade Unions in Combating Discrimination



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# **The Role of NGOs and Trade Unions in Combating Discrimination**

**European Commission**

Directorate-General for Employment, Social Affairs and Equal Opportunities

Unit G4

Manuscript completed in September 2009

This report was financed by and prepared for the use of the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities. It does not necessarily represent the Commission's official position.

The report was edited by Richard Poláček, independent consultant in European affairs.

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Luxembourg: Publications Office of the European Union, 2009

ISBN 978-92-79-13157-8

doi: 10.2767/53487

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## Foreword

by *Belinda Pyke*,  
*Director for Equality between men and women,*  
*action against discrimination, civil society,*  
*Directorate-General for Employment,*  
*Social Affairs and Equal Opportunities,*  
*European Commission*



*Belinda Pyke during her opening speech at the EC annual conference on non-discrimination, Budapest, June 2009*

The vital role non-governmental organisations (NGOs) and trade unions play in combating discrimination cannot be overestimated. They are active in all spheres of life – within and outside the workplace – and at all levels: European Union, national, regional and local level. The difficult times of economic crisis have shown us that their activities in favour of greater equality are more important than ever.

The European Union has clearly recognised these crucial roles of NGOs and trade unions and has increasingly acted in support of NGOs and trade unions in their respective roles when combating discrimination. In 2007 and 2008, the European Commission organised and financed a series of national trainings seminars carried out in all EU Member States and in Turkey, Norway and Iceland. Some 1 100 participants from NGOs and nearly 300 participants from trade unions were trained in national non-discrimination law and how to make it effective. These seminars were extremely useful and provided everyone involved with insight into the opportunities and challenges faced by NGOs and trade unions across Europe in combating discrimination. The training activities will be continued in 2010, focusing on national non-discrimination law and how to make it effective.

Earlier this year (2009), the Commission organised the sixth annual spring conference on

non-discrimination issues, focusing on ‘the role of NGOs and trade unions in combating discrimination’. The conference gave the opportunity to look closer into the work which NGOs and trade unions carry out on a daily basis. It was also an opportunity to share best practices between NGOs and trade unions and showed that the roles of NGOs and trade unions in combating discrimination are complementary: they have respective areas of knowledge and expertise which provide a valuable resource for each other’s work.

This publication does not attempt to give an exhaustive view of all the activities and projects undertaken by NGOs and trade unions across Europe. It aims rather to give an insight into the variety of approaches taken by NGOs and trade unions to combat discrimination. Many initiatives already aim to enhance cooperation between NGOs and trade unions and other key players, such as equality bodies, national, local governments and business. The examples described in this publication prove once more that making the right to non-discrimination effective in practice must go hand in hand with a real partnership and with full cooperation by all sectors of society: governments, local and regional authorities, employers, NGOs and trade unions. This year’s Equality Summit in Stockholm – focusing on Cooperation for Equality! – will be another welcome opportunity and another step to further develop this partnership.

## PART 1: General introduction

### 1.1. Introduction to the debates

This publication is a follow-up to the 2009 annual anti-discrimination conference (The role of NGOs and trade unions in combating discrimination), organised by the European Commission in Budapest in June 2009. It aims to reflect the variety and diversity of approaches used by NGOs and trade unions to fight discrimination. It contains interviews with representatives of NGOs and trade unions as well as articles about and from NGOs and trade unions describing their commitments on a daily basis. It seeks to describe some exemplary projects and significant good practices across Europe – including joint initiatives between trade unions and NGOs – and thereby to encourage further exchange and increase cooperation.

Three key topics are addressed.

The first focuses on how NGOs and trade unions make non-discrimination rights more effective by defending those they represent. The articles in this section take a closer look at the legal tools available to trade unions and NGOs. In some countries, such as Hungary or Lithuania, NGOs have gained considerable experience in using strategic litigation or situation testing to effectively defend their Roma people, repeatedly victims of discrimination. The capacity building of NGOs and trade unions is another important element, which ensures that they are well equipped to defend victims. Training programmes held in recent years in the 27 EU Member States have helped a great deal to this end. As EU candidate countries also need to comply with the *acquis communautaire*, capacity building of NGOs, trade unions and other key players proves to be crucial to help enforce legislation in the field of non-discrimination. The training programme set up by the Center for Peace Studies in Croatia is therefore a particularly

interesting example. Equality is also extended through joint projects between NGOs and trade unions, as demonstrated by the example of the cooperation between ILGA-Europe and the ETUC to fight homophobia and transphobia at the workplace.

The second key topic is how NGOs raise awareness about the non-discrimination rights of both victims and potential victims of discrimination as well as of the general public. Monitoring non-discrimination law and policy and helping to develop them is another field of action. NGOs such as Citizen and Democracy in Slovakia, Info – Handicap in Luxembourg and Transgender Europe have promoted a variety of innovative campaigns to increase awareness about non-discrimination rights. Equally inventive projects have been set up by trade unions across Europe, such as CGIL in Italy, the Northern Trade Union Confederation in the United Kingdom, the Irish Congress of Trade Unions or the European Trade Union Committee for Education. Both NGOs and trade unions are also increasingly cooperating with employers' organisations to foster the 'business case for diversity'.

Finally the publication gives an overview of the most recent developments in combating discrimination at EU and Member State level. The example of Sweden shows that Member States can take important steps to ensure continuous dialogue between public authorities and NGOs and trade unions and involve them actively as key players in policymaking in the field of equality. The EU – and in particular the European Commission – is strongly committed to support NGOs and trade unions in their activities in favour of non-discrimination.

EU law explicitly recognises the importance of their role in combating discrimination. Council Directive 2000/43/EC and Council

Directive 2000/78/EC<sup>1</sup> (hereafter referred to as 'EC directives') clearly underline how important the contribution of NGOs and trade unions is in the fight against discrimination<sup>2</sup>. In 2008, the Commission put forward a proposal for a new equality directive, which extends protection against discrimination outside the field of employment<sup>3</sup>. The European Union is also supporting a range of measures to combat discrimination, from funding projects, to carrying out research and to supporting awareness-raising and information campaigns. The EU's Progress programme<sup>4</sup> was crucial to support financially

many of the projects of NGOs and trade unions described in this publication.

NGOs and trade unions certainly have an important role to play – the examples in this publication clearly show that increased cooperation between them, including across borders, and with other key stakeholders such as national equality bodies<sup>5</sup>, employers' organisations and public authorities, can make a difference and together reinforce efforts to achieve more equality for all.

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1 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

More information on the EC directives can be found on the website of the European Commission's Directorate-General for Employment, Social Affairs and Equal Opportunities: <http://ec.europa.eu/social/main.jsp?catId=612&langId=en>

2 See Article 11 and Article 12 of Directive 2000/43/EC and Article 13 and Article 14 of the Directive 2000/78/EC.

3 <http://ec.europa.eu/social/main.jsp?catId=649&langId=en>

4 Progress is the EU's employment and social solidarity programme. It was established to support financially the implementation of the objectives of the European Union in employment, social affairs and equal opportunities, as set out in the social agenda. Progress replaces the Community action programme to combat discrimination which finished in 2006. The programme supported activities including studies on discrimination issues, networks and organisations which

promote the exchange of information and good practice across the EU, as well as initiatives to raise people's awareness, inform them of their rights and obligations under the law, and challenge discriminatory attitudes and behaviour. More detailed information on the Progress programme and the projects its supports, can be found on the website of the European Commission, DG for Employment, Social Affairs and Equal Opportunities:

<http://ec.europa.eu/social/main.jsp?catId=327&langId=en>

5 National equality body is an entity established on the basis of the EC Directives (see footnote 1) with a mandate to provide an independent assistance to victims of discrimination, conduct independent surveys concerning discrimination and publish independent reports and make recommendations on any issue relating to discrimination in their country. More information about equality bodies can be found on the website of *Equinet*, the *European Network of Equality Bodies*, which develops cooperation and facilitates the exchange of information and good practice between the national equality bodies: <http://www.equineteurope.org>

## 1.2. The perspective of EU-level NGOs and trade unions

*Interview with Conny Reuter,  
President of Social Platform<sup>6</sup>*



*Conny Reuter, President of Social Platform speaking at the EC annual conference on non-discrimination, Budapest, June 2009*

**Question:** What do you consider being the main current challenges in the fight against discrimination and what is the specific role of NGOs to face these challenges?

**Conny Reuter:** At EU level, and in many Member States, not everybody is protected against discrimination in the same way. The grounds of race and ethnic origin are protected against discrimination in access to services, education, social advantages and social protection. The other grounds are not. Therefore we call for the adoption of the new European anti-discrimination legislation outside employment for the grounds of age, disability, religion or belief and sexual orientation. A proposed EU directive is now before the Council of the EU, i.e. the governments of all Member States. We need the support of all NGOs throughout Europe to put pressure on their governments for the adoption of this directive.

Once the Lisbon Treaty is ratified, the European Charter of Fundamental Rights will become legally binding and a full set of rights will have to

be respected by the EU and Member States (except in the UK and Ireland). For example, the Lisbon Treaty states that the EU should promote gender equality and non-discrimination into all its policies. National NGOs will have to make proposals on how this can/will be done.

Finally, more than non-discrimination, it is integration into society that we want. Discrimination represents a system that denies discriminated groups equal access to schools, parks, restaurants, hospital and the like. Anti-discrimination simply removes these prohibitions. Integration is more far-reaching than anti-discrimination. Integration is the welcomed participation of all groups into the total range of society activities.

**Question:** What is the impact of the financial crisis on non-discrimination issues and how does this influence the agenda of social NGOs?

**C.R.:** I can see several consequences.

First of all, the financial and economic crisis will take over the political agenda of the EU and slow progress in discussions on equality policies and legislation such as the proposal for a new anti-discrimination directive which was issued by the Commission in the summer 2008.

Secondly, funding for equality policies will be decreased, the argument being ‘we have no money because of the crisis’.

Finally, there will be a cut, or at least a decrease, in the funding of social services and of civil society organisations. Care services such as childcare for enabling parents to go to work, health services and public transport are key elements for equality. We are already seeing such a situation in Latvia where public funding is dramatically reduced.

<sup>6</sup> Social Platform is the largest civil society alliance fighting for social justice and participatory democracy in Europe. Consisting of 42 pan-European networks of NGOs, Social Platform campaigns to ensure that EU policies are developed in

partnership with the people they affect, respecting fundamental rights, promoting and improving solidarity. For more information, see: <http://www.socialplatform.org>

**Question: What support mechanisms need to be in place to help NGOs to fulfil their role in combating discrimination?**

**C.R.:** There are five necessary steps to make anti-discrimination rights effective.

1. First you need the law. Victims of discrimination need legislation in order to claim their rights.
2. Anti-discrimination law is necessary but not sufficient. Complementary social policies are needed for rights to be effective.
3. You need people to be aware of their rights. Only four out of ten citizens know that discrimination on the ground of gender, ethnic origin, religion or beliefs, age and sexual orientation is prohibited by law!
4. Information is not enough: people need to trust the redressing mechanisms. The latest Fundamental Rights Agency<sup>7</sup> report of 2009 on discrimination on race and ethnic origin shows that 63% of respondents believed nothing would happen or change if they reported the incident.
5. Finally, the ultimate objective of non-discrimination is integration into society.

**Question: How can NGOs and trade unions cooperate efficiently to fight discrimination?**

**C.R.:** At European level, cooperation has already started and we have been very pleased to work with the European Trade Union Confederation (ETUC) on specific issues such as disability and sexual orientation.

We also share a common understanding with trade unions: anti-discrimination legislation is not sufficient. Social inequality is on the rise and exacerbates situations of discrimination. Member States and NGOs have to look at the necessary social policies which can support equality in our societies in the areas of employment, social security, housing and care infrastructures which are an essential precondition for a positive climate preventing and countering discrimination.

Social NGOs in the EU are currently working with trade unions to define the necessary steps

towards this end. Some NGOs at national level have already entered in this process of cooperation with trade unions and we can only encourage the same process in all EU countries.

**Question: Are there any other alliances you consider as essential?**

**C.R.:** Wherever possible, we are happy to work with equality bodies at national and European level, with judges, lawyers, and the media.

*Interview with Catelene Passchier,  
Confederal Secretary at the European Trade  
Union Confederation (ETUC)*



*Catelene Passchier, Confederal Secretary of ETUC, at the EC annual conference on non-discrimination, Budapest, June 2009*

**Question: What do you consider being the main current challenges in the fight against discrimination and what is the specific role of trade unions in facing these challenges?**

**Catelene Passchier:** For me as a trade unionist, the main challenges are to address discrimination not as an isolated issue and to recognise that different forms of discrimination have different historical, cultural and economic backgrounds, which must be taken into account when developing a proper response. We must address for instance gender inequality and racial discrimination as such, and promote women or black and minority ethnic people sitting together

<sup>7</sup> European Union Agency for Fundamental Rights: [http://fra.europa.eu/fraWebsite/home/home\\_en.htm](http://fra.europa.eu/fraWebsite/home/home_en.htm)

among themselves to develop strength and strategies on how to fight inequality, prejudice and discrimination. But we must also ensure that their input and analyses are taken on board in our understanding of social inequality, and that we join forces to tackle its root causes and develop policy responses. In this, trade unions have a very central role to play. They are the workplace and labour market actors who organise people as workers or potential workers. They put the principle of equality and solidarity between workers and in the economy and society very high on their agenda.

**Question: In these times of crisis, how high on the ETUC's agenda are non-discrimination issues as compared to other urgencies such as redundancies?**

**C.P.:** This question suggests a contradiction that is not necessarily there. Increasingly, many of our unions organise the groups that are vulnerable to discrimination. Take a union like Unison, which organises public sector workers in the United Kingdom, many of whom are women and/or black and minority ethnic workers. When they fight for jobs in the public sector, this is in the immediate interest of all these workers. But it is also true that non-discrimination as such is not always top of the agenda, not only when there is an economic crisis. However, we try to explain time and again that equality and non-discrimination are cross-cutting issues: there are always gender, race and other discrimination dimensions to an issue, such as (un)employment, which should be part and parcel of any policy and strategy to develop.

**Question: What support mechanisms need to be in place to help trade unions to fulfil their role in combating discrimination?**

**C.P.:** The most important 'support mechanism' that trade unions need is the recognition of their unique and indispensable role in organising democracy in workplaces and ensuring that the interests of workers are taken into account in the organisation of work and the development of labour markets and economies. Research has

shown that where trade unions are active and collective bargaining is well developed, the pay gap between men and women is smaller and there is in general less inequality. This means that wherever public authorities are intending to promote equality and combat discrimination, they should involve trade unions and promote social dialogue and collective bargaining. In addition, trade unions can be helped to develop greater awareness of the specific needs of groups of workers that are vulnerable to discrimination, by offering specific (financial) support to trade union activities targeted to reach out to these groups.

**Question: How can NGOs and trade unions cooperate efficiently to fight discrimination?**

**C.P.:** Trade unions and NGOs need to 'get to know' each other, to understand and value better each other's specific role and possible contribution. They must also prevent being played off against each other, for instance by public authorities. This happens in some countries where public authorities do not like trade unions or collective bargaining and therefore prefer to discuss equality issues only with NGOs in unclear consultation structures. Trade unions, on the other hand, must recognise that NGOs can sometimes be an important bridge to vulnerable groups of (potential) workers that are not (yet) organised in a union.

**Question: Are there any other alliances you consider as essential?**

**C.P.:** We must certainly also develop alliances with employers and their organisations. Without them, it will be difficult to really achieve more equality in workplaces and labour markets. An interesting avenue to explore at EU level is the possibility of negotiating a 'framework of actions' with employers on specific equality issues or grounds, such as the one we negotiated in 2005 on gender equality<sup>8</sup>. This can give an important stimulus for more action at national and sectoral level. More information on ETUC and its activities in the field of equality and non-discrimination at: <http://www.etuc.org>

<sup>8</sup> More information on the 2005 framework for action on gender equality can be found at: <http://www.etuc.org/r/704>

## Part 2: Making non-discrimination rights effective

### 2.1. Making non-discrimination rights effective

by *Isabelle Chopin*,  
*Deputy Director, Migration Policy Group*



*Isabelle Chopin at the EC annual conference on non-discrimination, Budapest, June 2009*

There are many different ways of making anti-discrimination rights effective and it is certain that both NGOs and trade unions have a crucial role to play. To that end, there is a serious need for enhanced cooperation between trade unions and NGOs. However, and in advance, they have to get to know each other better, to know how each other functions and know each other's programmes, priorities and ways of handling situations of discrimination. Obviously NGOs and trade unions are different, and have roles that complement each other but they should not stop at their differences but start with their complementarities. NGOs and trade unions need to identify their good (and bad) practices and set up joint activities on all grounds of discrimination and on strategic proposals. Similarly it is essential for both to work together with the national equality bodies<sup>9</sup> at local, regional and national level.

An efficient way of making anti-discrimination rights effective is litigation. Although NGOs and trade unions are often best placed to initiate complaints of discrimination, they are very often not able to do so because they lack human or financial resources. Also, in order to be able to litigate, both NGOs and trade unions must have legal standing: the right to initiate a lawsuit in court. Even though the status of legal standing is a right enshrined in both EC directives<sup>10</sup>, in many Member States it is made conditional. National governments should therefore make sure that these conditions are not too restrictive.

In addition to initiating and supporting individual complaints in court, trade unions and NGOs can make use of other procedural tools to advance non-discrimination rights, such as collective action<sup>11</sup> and class action<sup>12</sup>. In order to help clarify concepts deriving from anti-discrimination law, trade unions and NGOs should also become more strategic in their casework and cooperate on strategic litigation. The difference to 'normal litigation' is that strategic litigation focuses primarily on law or public policy reform rather than on an individual's interests.

Victims of discrimination need to be able to bring evidence pointing towards the possibility of discrimination. Only if sufficient evidence of discrimination is available can the burden of proof be shifted to the alleged perpetrator. To find the necessary evidence, NGOs and trade unions should use the practice of situation testing more widely. This is a tool to prove discrimination or uncover systemic discrimination and can help to detect discriminatory practices, for example in recruitment procedures. Although situation testing is rarely legally recognised, it has been

<sup>9</sup> See footnote 3.

<sup>10</sup> See footnote 1.

<sup>11</sup> Collective action is an action to obtain remedy by a person or a group in the name of the general public where an identified victim is not necessary.

<sup>12</sup> Class action requires a number of individual plaintiffs joining together to bring compensation claim arising from the same event or similar circumstances.

accepted as a proof by courts in some countries. Situation testing needs to follow a strict methodology to avoid bringing a provocative element, such as incitement to discrimination which may lead a court to dismiss the test.

Making anti-discrimination rights effective is obviously a matter of law. However, law has its limits and social policies can efficiently remedy some of the existing gaps. In addition, targeted support to NGOs and trade unions is crucial. National governments should take responsibility to ensure sufficient funding is provided to trade unions and NGOs fighting discrimination. Structures for effective dialogue with NGOs and trade unions at national level are important as is the possibility for NGOs and trade unions to

monitor and report on the implementation of non-discrimination law and policies. It is also fundamental that national governments continue their efforts to disseminate information on non-discrimination rights and support NGOs and trade unions in their information campaigns. To build their capacity further, NGOs and trade unions should be supported to facilitate training on anti-discrimination in the national language, including training for trainers from NGOs and trade unions. Similarly, the European Commission should continue funding projects dedicated to national NGOs and trade unions and also to those transnational projects, which enhance cooperation between NGOs and trade unions from different countries.

### 2.2. Building capacity of NGOs and trade unions

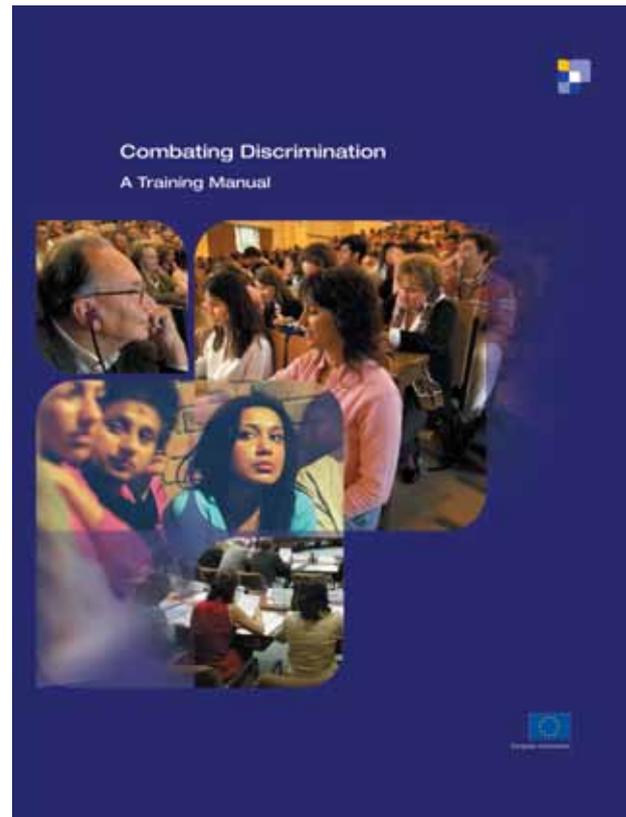
The European Commission has been supporting capacity building of NGOs and trade unions in all Member States for several years, through extensive training programmes on non-discrimination. With the aim of helping implement national non-discrimination law, some candidate countries, such as Croatia, have also set up training for NGOs, trade unions and other target groups such as judges, lawyers and journalists.

#### *The 'anti-discrimination and diversity management training programme'*

It is widely recognised that while EC directives<sup>13</sup> have gone a long way to providing a legal guarantee against discrimination, they do not in themselves ensure a radical improvement of equal rights in practice. Training seminars for NGOs and trade unions are a further means to that end. A first round aimed at enhancing the capacity of national NGOs in the anti-discrimination field in the (at the time) EU candidate countries through training set up during the Community action programme to combat discrimination, which ran from 2001 to 2006<sup>14</sup>. In their recommendations, the project partners had stated the need to continue the training of local organisations as most of the national coordinators/participants had asked for the training to continue, to extend the training to the 'old' Member States and also to target other relevant stakeholders.

As a result, between autumn 2006 and spring 2008, a new training programme was set up by the European Commission under Progress<sup>15</sup> and carried out in all EU Member States, Iceland, Norway and Turkey. Around 1 100 participants from NGOs and nearly 300 participants from trade unions attended national seminars for training in raising awareness and understanding of national legislation and policy.

The anti-discrimination and diversity management training programme was built around two components: one on



anti-discrimination and the other on diversity management. Whereas the diversity management component was targeting employers' organisations, business leaders and company representatives, the anti-discrimination component was aimed at building the capacity of NGOs and trade unions in the non-discrimination field.

The anti-discrimination component included activities such as the updating of the training manual elaborated in the first round, building up and consolidating teams of national anti-

<sup>13</sup> See footnote 1.

<sup>14</sup> The Community action programme to combat discrimination finished in 2006 and was replaced by the Progress programme: see footnote 2.

<sup>15</sup> See footnote 2.

discrimination trainers and organising international ‘train the trainer’ seminars. Finally, this component also included the organisation of two national two-day seminars for NGOs and trade unions in all 27 EU Member States and in Iceland and Norway.

Generally, in all the countries, participants evaluated the training seminar positively and agreed that the seminars were relevant to their job. The training has generated great expectations from the national coordinators, national trainers and participants about the possibility and their ability to work on anti-discrimination issues. As in the previous round of seminars, all actors involved, whether national coordinators, national trainers or participants, asked about potential follow up. At the national level, some initiatives

have already started (for example in Portugal, two big municipalities have requested national trainers to organise anti-discrimination training; in Luxembourg, the ministry responsible for anti-discrimination policy will follow up on the project and organise other training), but all is subject to the availability of funding. Specific requests were also made by participants to organise follow up seminars with national participants in the national language. Participants also saw great added value in working across sectors and as they had gained knowledge on anti-discrimination issues they wished to be able to pursue this further.

The European Commission will continue funding training seminars for NGOs and trade unions in 2010.

### *Building capacity in EU candidate countries – the example of Croatia*

by **Gordan Bosanac** and **Lana Vego**,  
*Center for Peace Studies, Zagreb*

On 9 July 2008, the Croatian Parliament adopted the Anti-discrimination Act. This was after two months of extensive criticism from religious communities who felt excluded from the public process of consultation which had been conducted during the drafting of the act. From the final debate, it was obvious that there was a huge misunderstanding about anti-discrimination in general and that when the act is implemented, Croatian society will need some time to understand the meaning and importance of anti-discrimination policies. One should be aware that the act was accepted as one of the benchmarks for EU accession and it is hard to imagine that the Croatian government would have proposed such an act if there had been no EU pressure. The new Anti-Discrimination Act in Croatia is not only a new legal instrument. It also represents the introduction of a new culture of respect for human dignity which was not broadly recognised before. Moreover, some forms of discrimination are so deeply rooted in Croatian society that it is crucial to explain to the public the broad scope of discrimination. At the same time, the Center for Peace Studies (CPS) interprets discrimination as a form of violence. Combating discrimination is to combat violence in society, and we should not support those cultural norms which contribute to fostering violence. Having all those facts in mind, CPS has decided in the first year of implementation of the act (from 1 January 2009) to support the capacities of all stakeholders in Croatia who will be responsible for the implementation of the Anti-Discrimination Act: the Ombudsperson offices, judges, lawyers, business sector representatives, media, trade unions, civil servants, NGOs and, finally, the Croatian public.

CPS is a watch-dog organisation focusing mostly on the monitoring of government policies

and one would have expected that CPS would focus on the monitoring of the implementation of the act. However, CPS has decided that in the first year of implementation we should rather focus on capacity building. It was unrealistic to expect a smooth implementation of the act immediately it was in force. That is why we have proposed to the government and the ombudsman a coalition which covers all stakeholders related to the implementation of anti-discrimination policies. We have estimated that it would be more efficient and constructive to educate the public and stakeholders on anti-discrimination, rather than immediately start to criticise the implementation. CPS has therefore become an NGO partner in a project entitled 'Supporting the implementation of the Anti-discrimination Act' (funded by the EU's Progress programme<sup>16</sup>). Other partners in this project are the Office for Human Rights, Government of the Republic of Croatia as a project leader and the Office of Ombudsperson in Croatia. The Ombudsperson's Office has implemented training on EU anti-discrimination standards and the national Anti-Discrimination Act for the employees of the equality bodies (Ombudsperson, Gender Equality Ombudswomen, Ombudsperson for Children, and Ombudsperson for Persons with Disability) which were aimed at strengthening the capacity to deal with suspected cases of discrimination.

The project included several training opportunities for different target groups, as follows.

CPS started first with training for trainers aimed at those who would then continue to include the issue of non-discrimination in their regular curricula at the Police Academy and Center for Education and Advancement of Public Servants. The training was well attended and the participants, especially the trainers from the Police Academy, were highly motivated.

Through training for judges, CPS has trained 49 judges on the Anti-Discrimination Act. This training, organised in cooperation with the

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16 See footnote 2.

Judicial Academy (part of the Ministry of Justice) have revealed some gaps in knowledge about anti-discrimination among judges. On the one hand, there was a group of judges who are highly familiar with the act and open to the extension of their knowledge; on the other hand, there were some judges who showed resistance towards some international courts' interpretations of discrimination. At the same time, the passionate discussions and high number of questions raised by the participants has justified the setting up of such training.

The training for attorneys, lawyers and mediators aimed to introduce the concept of discrimination and train those who will work directly with victims of discrimination. In the past, there were few cases of discrimination brought before national courts and before the European Court of Human Rights. We are still lacking lawyers who focus on human rights and this training was a great opportunity to attract more lawyers to the anti-discrimination field.

The training for representatives of media and non-governmental organisations generated the highest levels of interest in the topic.

Although, in the past, discrimination cases were brought to the public mostly by NGOs and the media, the Anti-Discrimination Act was a novelty for them as well.

The project will finish by the end of 2009 with a big national visual campaign for the Croatian public promoting the Anti-Discrimination Act. The CPS will also organise a national conference where the project results and the impact of the act will both be evaluated one year after implementation. In 2010, the CPS will focus on monitoring the implementation of the act and our training activities will concentrate on strengthening NGOs in Croatia to combat discrimination. Court cases are now needed to start building a solid anti-discrimination practice in Croatia. At the same time, we have to work with the general public through various complementary education programmes to reduce discrimination and therefore violence within the entire society.

More information at: <http://www.cms.hr> and <http://www.suzbijanjediskriminacije.hr>

### 2.3. Assisting victims of discrimination

Two examples of good practice below highlight how NGOs across Europe assist victims of discrimination. An area where particularly interesting tools have been developed to achieve more equality is the field of discrimination against Roma.

*Strategic litigation to fight discrimination against Roma and socially deprived children in public education*

by **Lilla Farkas**,  
*Chance for Children Foundation, Hungary*

The Budapest-based Chance for Children Foundation (CFCF) was founded in 2003 with the express purpose of fighting structural discrimination (segregation and lower level education) against Roma and socially deprived children in public education. In order to accomplish these objectives, CFCF undertakes strategic litigation, community action, legislative lobbying, training and various other forms of advocacy. It receives funding from the Open Society Institute<sup>17</sup>, the Sigrid Rausing Trust<sup>18</sup> and the EU through national mechanisms. CFCF has on its staff two lawyers, three permanent and two project-based community coordinators, a financial officer and a director also in charge of advocacy. Except for the senior lawyer, all staff are of Roma origin, which has proven crucial in pursuing CFCF's community-centred approach.

In Hungary, traditional litigation based on individual rights protection has proven inadequate to address structural discrimination. The Hungarian Equal Treatment Act 2003<sup>19</sup> transposing the EU non-discrimination directives gives NGOs the right to 'collective action'<sup>20</sup>. As a result, NGOs in Hungary can challenge any form of discrimination in their own name and become plaintiffs in legal disputes that revolve around patterns of discrimination. The impact of collective action in Hungary is unprecedented. Between 2006 and 2008, based on statistics and



*Roma children at school*

social research data, CFCF designed and fought strategic cases against segregating local governments and schools, changing the education and the lives of hundreds of Roma and socially deprived children. Since 2009, CFCF has sued public authorities for failing to enforce anti-discrimination legislation and has asked a court injunction that would order the competent offices to act, which could prove the most effective way to accelerate integration.

Given the fact that CFCF can sue in its own name and therefore does not need to operate on an individual complaint-based selection process, it also can allocate more time and resources to local and national-level media and community work, including the following:

- supporting via local community work the school integration programme in Sajószentpéter, a town in Northern Hungary;
- organising enrolment actions involving Roma parents and children and targeting majority/elite schools;

17 <http://www.soros.org>

18 <http://www.sigrid-rausing-trust.org>

19 <http://www.egyenlobanasmod.hu/data/SZMM094B.pdf>

20 See footnote 11.

- probing in a designed situation test the admission process to a private (religious) school, publicising the test results and securing cooperation with the church's board of education and the school to admit more Roma children;
- facilitating the establishment and running of a local Romani women's group aiming to secure integrated and quality education for local children in neighbouring towns;
- involving local Roma leaders and newly identified activists in regular discussions with local majority decision-makers in the field of education.

More information at: <http://www.cfcf.hu>

*Applying situation testing successfully to prove discrimination based on ethnicity*

by **Jolanta Samuolyte**,  
Human Rights Monitoring Institute, Lithuania



*Jolanta Samuolyte (together with Dick Houtzager from Article 1, the Netherlands) at the EC annual conference on non-discrimination, Budapest, June 2009*

In December 2008, the Vilnius Regional Court upheld the judgment in the first racial discrimination case brought to the court and recognised a case of a Roma woman's direct

discrimination in employment.<sup>21</sup> The case concerned the implementation of the EC directives<sup>22</sup> into Lithuanian national law, the Law on Equal Opportunities<sup>23</sup>. Furthermore, the Court accepted the use of situation testing as applied by the Human Rights Monitoring Institute (HRMI).

In October 2007, HRMI learned from several Roma supporting NGOs that Roma women complained about not being accepted for unqualified work due to their ethnicity. HRMI decided to escort Roma women to the suggested places of employment by the State Labour Exchange agency. On 30 October 2007, in one of the capital's restaurants, S.M., a Roma woman, was not accepted as a dishwasher, although before the job interview she was assured on the phone that the position was open. Seeing S.M. in person, the representative of the restaurant inquired whether she was living in the Roma neighbourhood, expressed her surprise for her ability to speak Lithuanian and finally noted that the position was already occupied. Upon the request of HRMI, the bailiff called the restaurant and inquired whether the dishwasher's position was still available. Having received an affirmative answer, HRMI applied the situation testing by sending a woman of Lithuanian origin to apply for the same position in the same restaurant a couple of hours after S.M. had done her job interview. The Lithuanian woman was immediately accepted. Besides, in the conversation with the Lithuanian woman, the representative of the restaurant also mentioned that they could not accept S.M. because of her ethnicity as they didn't want to have trouble with the staff in case 'some things went missing'. S.M. filed the suit to the court and HRMI was included as a third party in the judicial procedure. The Lithuanian Equal Opportunities Ombudsman Office gave an expert opinion in this case.

Certain elements played a significant role in the overall success of this case.

21 Decision of Vilnius Regional Court, 10 December 2008, Civil Case No. 2A-1020-464/2008.

22 See footnote 1.

23 [www.iwraw-ap.org/resources/documents/GE\\_Lithuania.doc](http://www.iwraw-ap.org/resources/documents/GE_Lithuania.doc)

First, it proved to be essential that HRMI had established good contacts with other specialised NGOs, and therefore was able to take the case from its very beginning and assist it until its final outcome.

Secondly, all players involved had the necessary knowledge to make this case a success: the representative of HRMI, S.M.'s lawyer and the representative of the Equal Opportunities Ombudsman Office were all participants of an extensive two-years training programme on the EC directives<sup>24</sup> organised by Interights<sup>25</sup> and the Helsinki Foundation for Human Rights in Warsaw<sup>26</sup>, which took place in 2005-2006 and

was supported by the European Commission<sup>27</sup>. Thanks to this training, the representative of HRMI was informed about the possibility of using testing techniques. It also proved to be important that the practising lawyer who represented the victim was specialised in labour and non-discrimination law. Thanks to the same training, the representative of the Equal Opportunities Ombudsman Office had no difficulty in raising arguments for the court based on the EC directives and international human rights law.

More information at: <http://www.hrmi.lt/en>

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24 See footnote 1.

25 Interights is the International Centre for the Legal Protection of Human Rights, [www.interights.org](http://www.interights.org)

26 <http://www.hfhrpol.waw.pl/en>

27 See page 12 for more information on the EU financed 'Anti-discrimination and diversity management training programme'.

## 2.4. ‘Extending equality’: how trade unions and LGBT rights organisations are working together to fight homophobia and transphobia at the workplace

by *Silvan Agius*,  
Senior Policy and Programmes Officer,  
ILGA-Europe

In 2007, the European Trade Union Confederation (ETUC) embarked on a project called ‘Extending Equality: Trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity.’<sup>28</sup> This project was intended to tackle discrimination against lesbian, gay, bisexual and transgender (LGBT) workers, and to ensure that trade unions have the right policies and structures to address and prevent such discrimination. From the planning stages, ETUC established a strong partnership with the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association<sup>29</sup> (ILGA-Europe) to ensure that the outcomes would be in line with the needs and expectations of LGBT workers. This partnership proved beneficial for both, since while ETUC ensured that its project was addressing the full range of specific issues of its LGBT membership, ILGA-Europe benefited from the opportunity to reach out to trade unions with which it had no prior contact.

During 2008, the results of the project were disseminated through a European level conference and a manual that collected various good practices from across Europe. The information was received with great enthusiasm from both of the ETUC and ILGA-Europe memberships. In addition, various events were organised by both organisations to encourage their members to set up similar knowledge-sharing partnerships at national and local level. In December of the same year, the ETUC Executive Committee went on to adopt a set of recommendations for actions and activities to promote LGBT equality. This official



*Silvan Agius (left) and Frédérique Bartlett (right) with Frédéric Mertz (Institute of Social Training, Luxembourg) at the EC annual conference on non-discrimination, Budapest, June 2009*

ETUC document proved to be particularly useful in ensuring that what was raised during the project will be implemented across Europe.

Two years after the start of this partnership, one can already witness several encouraging results. Amongst others:

- In Poland, the All Poland Alliance of Trade Unions<sup>30</sup> (OPZZ) recently appointed a gay and lesbian liaison officer;
- In Malta, the General Workers Union<sup>31</sup> (GWU) prepared their own LGBT equality policy and action plan in discussion with the Malta Gay Rights Movement<sup>32</sup> (MGRM);
- In France, Confédération Générale du Travail<sup>33</sup> (CGT - Trade Union Confederation) and other trade unions worked with LGBT rights organisations on a common programme for the International Day against Homophobia and Transphobia<sup>34</sup>.

More information about ILGA-Europe at:  
<http://www.ilga-europe.org>

28 <http://www.etuc.org/t/1355>

29 <http://www.ilga-europe.org>

30 [http://opzz.org.pl/english/about\\_us.html](http://opzz.org.pl/english/about_us.html)

31 <http://www.gwu.org.mt>

32 <http://www.maltgayrights.net>

33 <http://www.cgt.fr>

34 <http://idahomophobia.org/wp>

### *Working together at national level in France*

by **Frédérique Bartlett**,  
coordination of confederal activities, CGT  
(Trade Union Confederation), France

In recent years, CGT has decided to set up a dedicated equality structure working on the grounds of sexual orientation and gender identity. This group is called Confederal Committee Against Homophobia and works closely with various French LGBT rights organisations<sup>35</sup> in order to promote equal rights for LGBT persons, both within public institutions and private companies.

The relationship with NGOs proves to be greatly beneficial, thanks to their experience and to their knowledge, which strengthen the development of CGT proposals for bargaining.

CGT also delivers training sessions for these organisations, which prove to be perfect for the sharing of experiences. On the one hand, the trade unionists know better how to work inside the so-called health, safety and working conditions committees, and with employees' representatives. On the other hand, LGBT organisations may know more on the specificities of the discrimination that is suffered, and may have better arguments to tackle it. CGT is entitled to negotiate specific rights for the representatives, and this allows it to cooperate with associations in putting a claim for new rights and to fight discrimination. The fact that both sides know each other well and that they have direct links facilitates their work. Since both, trade unions and associations know they can rely on each other, they are working together more effectively on concrete matters.

More information about CGT at:  
<http://www.cgt.fr>

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<sup>35</sup> Including as Inter-LGBT, SOS Homophobie, Le collectif Homoboulot, le Collectif Contre l'Homophobie, RAVAD

(Réseau d'Assistance aux Victimes d'Aggression et de Discrimination) and L'Autre Cercle.

## 2.5. Trade unions striving for equality and diversity

Trade unions at national and European level are actively promoting equality and diversity through a range of innovative projects and through their various everyday activities, such as bargaining. The three examples below give evidence of the dynamic contributions of trade unions.



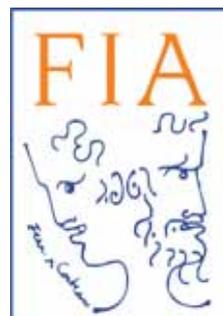
*Changing gender portrayal - promoting employment opportunities for women in the performing arts*

by **Dearbhla Murphy**,  
International Federation of Actors

The project ‘Changing gender portrayal’ was carried out by the International Federation of Actors<sup>36</sup> (FIA) from September 2007 to December 2008 within the overall context of the 2007 European Year of Equal Opportunities for All<sup>37</sup>. FIA is an international non-governmental organisation representing performers’ trade unions, guilds and professional associations around the world. This project involved the actors’ unions from across Europe that make up FIA’s EuroFIA group.

The portrayal of women and men in theatre, television and film has a significant impact, not only on gender image and perception by the public, but also on the employment opportunities

available to performers. The past three decades have seen a debate emerge and develop around the portrayal of women in film, television and live performance and the absence of older women from popular representation. Yet there is still reluctance within the industry to really engage with this issue and a strong tendency to downplay the problem rather than address it. Thus, the aim of the project was to provide concrete evidence regarding the lack of equal opportunities in the performing arts by drawing on the direct experience of performers across the EU. Performers’ trade unions have a crucial role in combating gender stereotypes and promoting equal opportunities, through close and ongoing cooperation with all media and entertainment institutions. The study that resulted from this project is intended to empower and inform them to take up that role and create real visibility of this problem.



The study ‘Age, gender and performer Employment in Europe’<sup>38</sup> was carried out by Dr. Deborah Dean of the Industrial Relations Research Unit of Warwick University, UK. It sought to establish an overview of how gender and ageing impact on the employment conditions of performers, the quality and variety of the work available to them, career length, income levels, etc.

Some of the key findings of the report are the following.

36 <http://www.fia-actors.com>

37 The project received funding from the European Commission, Directorate General for Employment, Social Affairs and Equal Opportunities under the budget line ‘Information and Training Measures for Workers’ organisations’

38 The study is available for download on the FIA website in English, French, German and Spanish:  
<http://www.fia-actors.com/en/research.html>

- In general, men have longer careers as performers than women. Men as a group are spread more evenly than women as a group across ages, career categories, length of time as a professional performer and income categories. Women are more concentrated in the younger age groups: over a fifth more indicate that they work infrequently with little choice of employment opportunities.
- Most performers earn very little from their work (and 5% of both genders earned nothing from performing in 2006-07), but there is a greater proportion of women in the lowest income group and a smaller proportion in the highest income group. This is certainly related to regularity of access to work and size of roles.
- One of the clearest findings was that women saw their gender as disadvantageous to them along every dimension (number and variety of roles, pay, ageing, 'type' of roles);
- Men and women have notably different perceptions of the way their gender and age are represented in performing work. Men are overwhelmingly positive about what they see, whereas women are far more negative.

FIA and its member unions are making substantial use of the strong findings of the study to raise awareness on the challenges facing women performers in Europe, particularly as they get older. It will also serve as a springboard to tackle this problem both artistically and politically. FIA has undertaken a second project in 2009, which aims to produce a handbook of ideas and examples for strategies to change gender portrayal and promote equal opportunities in radio, film and television in Europe.

More information on this project at:  
<http://www.fia-actors.com>

*Anti-discrimination training for  
German trade union members*

by **Michalea Dälken**,  
DGB Bildungswerk Bund (Training Institute of  
the German Trade Union Confederation),  
Germany



*Michalea Dälken at the EC annual conference on  
non-discrimination, Budapest, June 2009*

From 2007 to 2008, the DGB Bildungswerk Bund<sup>39</sup> carried out a project on anti-discrimination training for members and employees of trade unions and employees of non-governmental organisations (NGOs) such as anti-discrimination offices. The project was part of the anti-discrimination training programme, supported by the European Commission<sup>40</sup>. In view of the special functions of workers' councils in Germany, these were also included when planning the project.

The DGB Bildungswerk Bund had already previously provided training sessions on anti-discrimination, specifically on discrimination due to ethnic origin. However, this project was characterised by a different approach, targeting participants from trade unions and NGOs active in combating discrimination. The objective was to provide them with practical support for their daily work. In addition, the first anti-discrimination law in Germany was passed in August 2006<sup>41</sup> and the following two years were characterised by large gaps in people's knowledge of the practical

implementation of this new law. The training sessions therefore were able to close these gaps.

When implementing the project, information on the status of anti-discrimination work in Germany, legal background and possible fundraising options were evaluated first. The results were used as the basis for developing the training sessions which were moderated by trainers who had attended an international train-the-trainer course; they were carefully selected to ensure a balanced mix with regard to sex, origin and functions in NGOs or trade unions.

The training concept comprised legal fundamentals (the German constitution, the EC directives, the German Act on Works Councils, the General Non-Discrimination Act) and the possibilities for implementing these acts. Participants formulated their own action plans based on their advisory functions in an NGO or trade union and developed, for example, labour-management contracts, flyers and advisory opportunities. A lot of time was invested in discussion and exchanging views which were very lively due to the different backgrounds of the participants.

Following completion of the project, the training became part of the standard range of training courses provided by the DGB. Individual elements of the training course were developed further, particularly within in-house training sessions. The training concept itself was refined and published in 2008 as a guide in the publication series 'Migration and the working world'<sup>42</sup>.

These training sessions are a cornerstone of the anti-discrimination work undertaken by the DGB Bildungswerk Bund. They are supplemented by advisory activities (for example, when developing labour-management contracts based on cooperation) and information such as a good practice database.

More information at:  
<http://www.dgb-bildungswerk.de>

39 <http://www.dgb-bildungswerk.de>

40 See page 12 for more information on the EU financed 'Anti-discrimination and diversity management training programme'.

41 General Non-Discrimination Act (Allgemeines

Gleichbehandlungsgesetz – AGG): <http://bundesrecht.juris.de/agg>

42 [http://www.migration-online.de/hr\\_chancengleichheit](http://www.migration-online.de/hr_chancengleichheit) and  
[http://www.migration-online.de/hr\\_strategien](http://www.migration-online.de/hr_strategien)

*Trade unions engaged in bargaining  
for equality in the workplace –*

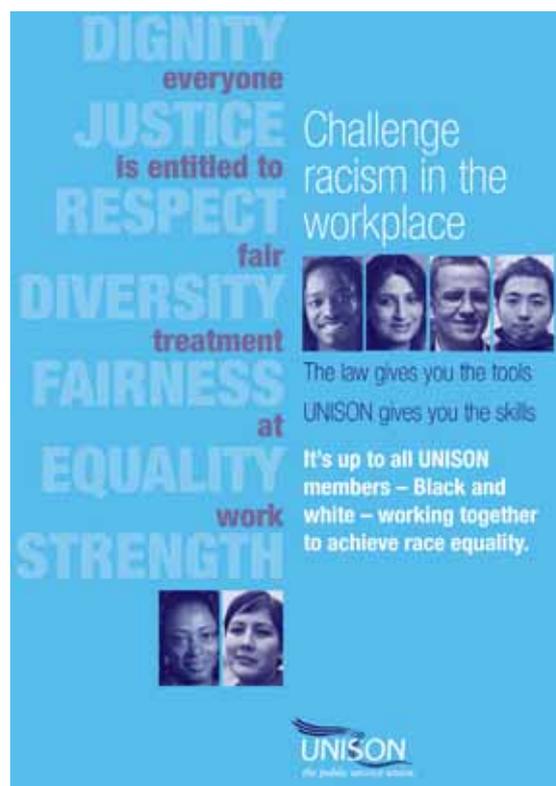
*A Unison perspective*

by **Lianne Venner**,  
UNISON, United Kingdom

In the UK, Unison<sup>43</sup>, the public sector union, has focussed on bargaining for equality in the workplace. Whether in challenging racism and prejudice or promoting support for lesbian, gay, bisexual, transgender (LGBT) or disabled workers we believe it is preferable, where possible, to negotiate rather than to litigate. This is in part due to the fact that legal processes can be slow and difficult for the individual and may – even when successful – make little impact on the wider workforce.

A key priority in recent years for Unison has been in tackling the gender pay gap. The strategy has been based on securing agreement with employers nationally to eradicate discriminatory pay systems and then to seek local agreement on implementation. Where negotiations have not resolved the issues, we do take legal action. However, the complexity of UK equal pay law now means many cases take up to 10 years to reach conclusion. In raising the issue of unequal pay for women, Unison works in partnership with the Fawcett Society who has long campaigned for women's equality. This has enabled us to take our message into government giving strength to our arguments for urgent improvements to equal pay law.

We see workplace bargaining as a key and unique role for trade unions. Unison firmly believes that NGOs are also important for heightening awareness in the wider society of inequality and discrimination and providing support to individuals and communities. As a defined social partner, we do not see it as the role of NGOs to negotiate with employers. Trade unions and NGOs have regularly shared aims and it is all too often impossible to separate inequality in the workplace from the wider inequality throughout society. (Indeed NGO workers are often also Unison members). On issues such as domestic violence, the future of social care or in the promotion of a harmonious



Poster of UNISON's 2008 training programme  
'Challenging racism in the workplace'

multicultural society, we have long worked closely with NGOs. We find NGO experience and specialist knowledge invaluable, whilst as a trade union we are able to take their message and materials into the workplace.

Inside our union Unison supports the organisation of four self-organised groups (women, LGBT, disabled and black workers) – traditionally under-represented groups of workers coming together to share experiences and to set their own agendas and the agenda for the wider union. We believe this not only empowers these members but gives us invaluable resources in our union work.

UK equality laws are currently undergoing major reform. In arguing for improved and comprehensive equality law, Unison has found formal partnership with a diverse range of NGOs invaluable – sharing knowledge and jointly lobbying. We hope to see the dividend from this in the coming years.

More information at:  
<http://www.unison.org.uk>

43 <http://www.unison.org.uk>

## 2.6. Joining forces: equality bodies<sup>44</sup> cooperating with trade unions and NGOs

### *The Swedish Equality Ombudsman – a new impetus*

A major step forward was taken recently in Sweden concerning respect for the dignity and equal rights of all persons. Non-discrimination as a human right was put into focus, as opposed to the specific grounds of discrimination. On 1 January 2009, the new comprehensive Discrimination Act entered into force and a new agency, the Swedish Equality Ombudsman (DO)<sup>45</sup>, was established.

At the same time, it should be noted that the law and the DO are to a large extent based respectively on a merger of seven laws and the four previous anti-discrimination ombudsmen – concerning the grounds of gender, ethnicity and religion or other belief, disability and sexual orientation. Age and gender identity were added as new grounds in the new 2009 law.

While this step was important, the history surrounding equality shows that laws are not self-implementing, particularly those meant to provide assistance to the targets of discrimination. Effective implementation requires not only laws but in particular a process that involves civil society, often in the form of NGOs. It is especially important that the targets of discrimination are represented.

The mission of the Equality Ombudsman is the achievement of social change in the direction of greater equality. In this regard the following objectives have been adopted:

- (i) strategic legal enforcement;
- (ii) key societal actors promote equal rights and opportunities;
- (iii) empowerment of key actors through a mutual education process;
- (iv) increased awareness of the link between individual cases and discriminatory structures.

While each objective can stand on its own, it is particularly the interplay between these objectives that leads to greater equality.

One example of this involves building on an earlier strategy that involved a focus on discrimination against Roma. This strategy is based on a mutual education process between vulnerable



*The Swedish Equality Ombudsman makes available various information material on non-discrimination*

groups and their NGOs and personnel at the Ombudsman's office. It included awareness raising of the law and avenues of redress amongst Roma. The Ombudsman's personnel were to develop a greater understanding and improved analysis of the discrimination that these groups are subjected to. This process led, amongst others, to the empowerment of Roma, increased trust in the Ombudsman, the submission of more effective complaints and an increased number of successful settlements and court cases. Recognising, understanding and implementing this process in regard to other discriminated groups are a major challenge for the DO.

In addition to providing support for the new EU Equality Directive<sup>46</sup>, the Equality Summit in November 2009 will be a forum in which the DO can critically analyse and present how different tools can contribute to a positive process towards greater equality and the role of the DO (or other equality bodies) as a link between the protection provided by the law and the fulfilment of the rights of individuals.

Further information at: <http://www.do.se>

<sup>44</sup> For more information on equality bodies, see <http://ec.europa.eu/social/main.jsp?catId=616&clangId=en>.

<sup>45</sup> <http://www.do.se>

<sup>46</sup> For more information see page 51.

### *Equality Commission for Northern Ireland – The Anti-Racist Workplace Week*

The Equality Commission for Northern Ireland<sup>47</sup> is celebrating its 10<sup>th</sup> anniversary in 2009. Over the past decade, Northern Ireland has seen great changes and advancements and the Equality Commission has played an important role in these.

The Equality Commission has been at the forefront of equality initiatives, promoting equality of opportunity, encouraging good relations and challenging discrimination through promotion, advice and enforcement. The Equality Commission's vision for Northern Ireland is one of a shared, integrated and inclusive society where difference is respected and valued.

It has undertaken extensive work engaging with the government, political parties, employers, trade unions and non-governmental organisations to promote a society based on equality and fairness for the entire community.

The Anti-Racist Workplace Week has been one of the Equality Commission's most successful campaigns in terms of generating publicity and increasing its profile. The campaign, undertaken each year, is an initiative organised by the Equality Commission in association with key partner organisations consisting of employers, trade unions and ethnic minority groups. The main focus of the week is to raise awareness around the issue of racism in the workplace and to encourage employers to develop strategies to achieve equality of opportunity in culturally diverse workforces.

The Equality Commission requests that partner organisations involved in Anti-Racist Workplace Week encourage and support workplaces free from discrimination and harassment. Employers should welcome minority ethnic employees and customers, accommodate

and make adjustments for cultural and language diversity, and take practical steps to achieve full equality in practice.

The Equality Commission has contacted over 4 000 companies throughout Northern Ireland asking for their support for this year's Anti-Racist Workplace Week (19-23 October 2009). Employers have been invited to organise company-based initiatives and training sessions to demonstrate a real commitment to the campaign. These include organising information sessions for migrant workers on employment rights, arranging focus groups for black and ethnic minority workers to explore their needs and issuing employee questionnaires to gauge attitudes to cultural diversity and experiences in culturally diverse workplaces. Meetings between representatives of management, trade unions and employees are also encouraged to prepare and promote action plans for anti-racist workplaces.

The Anti Racist Workplace Week and similar campaigns have been successful in improving the understanding of different cultures and ethnic groups, promoting greater equality within the wider community and highlighting the advantages of a diverse society.

Further information at:

<http://www.equalityni.org>



*Banner of the 'Anti-Racist Workplace Week campaign' of the Equality Commission for Northern Ireland*

<sup>47</sup> <http://www.equalityni.org>

## Part 3: Raising awareness and monitoring and developing non-discrimination rights and policy

### 3.1. NGOs, trade unions and national governments - working together to raise awareness, and to monitor and develop non-discrimination rights and policy

*Dr. Ronald Holzbacker,  
University of Twente, the Netherlands  
Senior Expert, EU Network of socio-economic  
experts in the field of anti-discrimination*



*Ronald Holzbacker networking over lunch with Catelene Passchier from ETUC at the EC annual conference on non-discrimination, Budapest, June 2009*

While we can be optimistic of growing tolerance and acceptance of difference across Europe, we must be aware of immense pressures and turmoil in society right now. Financial collapse and economic slowdown is greatly impacting our societies. Some may turn to xenophobia and hate, and other forms of division and exclusion. Organised civil society and representatives of governments need to play a part to make sure that citizens turn instead to inclusion and community, to keep the threads that bind us together, in place. What is greatly needed now is 'bonding' within close knit communities and 'bridging' to other communities

in society. We must be vigilant to watch for attempts to exclude, as tensions rise in society. We must be sure that society at large is quick to condemn anti-racist, sectarian, anti-Semitic or Islamophobic, anti-disability, ageist, sexist, anti-transgender, or homophobic slurs and attacks.

To be successful in creating more equal and fairer societies based on non-discrimination, trade unions, NGOs, national and local governments and the EU all need to contribute. Mainstreaming non-discrimination in all their activities is crucial for all of them, as is the need to open up dialogue mechanisms with the public. Increased cooperation and coalitions between all players, including across borders, is particularly important. This cooperation already exists between some NGOs and trade unions, which are often connected by one or two people that serve this 'bridging' role, and then spread the information and action within their own organisation. However, more can be done to further improve cooperation between NGOs and trade unions, to work together across grounds, through concrete projects. What is needed is the generation of 'trust' between leaders across organisations. One builds trust through experience working together in concrete ways, on a given project. An easy project would be to go out to the streets on a busy Saturday afternoon, and have various groups representing a broad coalition there to talk to passers-by, and hand out a single-page leaflet. This raises public awareness and helps members of the public know where to turn to if they have questions or concerns, and where to get involved in their local community.

Transnational cooperation between NGOs and with trade unions is also of particular importance. NGOs should ask themselves how far they can share with a group abroad some 'best practice' or an idea for an innovative event. Are there projects that they could work together on

with NGOs abroad? Can their group be an inspiration for others? Can they share some ideas about strategies which they have used with their government, which may be helpful to other groups?

Trade unions should take-up anti-discrimination based on all six grounds during collective bargaining with employers. This would be an important step forward. In addition, trade unions can work together transnationally with other trade unions and NGOs. Let us learn from some of the experiences that Unison from the UK<sup>48</sup>, Abvakabo<sup>49</sup> from the Netherlands and GEW<sup>50</sup> and Ver.di<sup>51</sup> from Germany had meeting with Polish trade unions to build capacity to work with NGOs striving for anti-discrimination.

As to national and local governments, they should work more closely with civil society and consider funding independent offices across the country where complaints of discrimination can be heard, registered, and investigated. For example, the Netherlands has anti-discrimination offices across the country to deal with discrimination complaints from the public. After registering a complaint, these offices first try to sit down with the employer and employee to resolve the issue. Nine out of ten complaints are resolved in this type of mediation. If they are not able to resolve the issue, these offices then prepare a more formal complaint to bring before the Equal Opportunities Commission. Having an office that first helps decide cases informally, but which then also carefully prepares the facts and the relevant jurisprudence for cases for the equality body to hear, is a very effective and efficient way to handle anti-discrimination cases for prompt resolution. These discrimination registration offices also sponsor poster campaigns and media campaigns on TV and radio, to make sure potential victims of

discrimination, as well as the broader public, knows of their existence and their rights and obligations under the law.

In addition, national governments should encourage other societal actors and groups held in high esteem to spread the message concerning equality and anti-discrimination. Sports can be a vehicle for reaching a broad spectrum of the public. For example, the group Football Against Racism in Europe<sup>52</sup> (FARE) has taken a high profile to reach football supporters in stadiums and beyond with an anti-racist message. Recently, the clubs in League 1 football in France launched a fight against homophobia.

It is apparent that considerable differences exist in the involvement and capacity of NGOs and trade unions across the 27 EU Member States and beyond to be active in anti-discrimination. While some of the abovementioned best practices and recommendations may have been conscientiously strived for over the past decade or more by some trade unions and NGOs in a few countries, in other countries the capacity, determination, and necessary funding to do so in a consistent and effective way has been lacking. Additionally, differences between the triangular relationship between government, trade unions and the NGO sector, need to always be carefully considered in the implementation of existing best practices. In the end, the best practices and recommendations presented may at times seem simple and self-evident, but their actual realisation faces considerable obstacles.

It remains that, through more coalition, cooperation and transnational engagement between all players, we can move the anti-discrimination agenda forward and bring about real change on the ground, to build more just societies free from discrimination across Europe.

48 <http://www.unison.org.uk>

49 <http://www.abvakabofnv.nl>

50 [http://gew.de/The\\_German\\_Education\\_Union\\_GEW.html](http://gew.de/The_German_Education_Union_GEW.html)

51 <http://www.verdi.de>

52 <http://www.farenet.org>

### 3.2. EU initiatives to raise awareness about non-discrimination rights

#### *2007 European Year of Equal Opportunities for All*<sup>53</sup>

The 2007 European Year of Equal Opportunities for All (EYEO) was an unprecedented and ambitious initiative to communicate and collaborate on equality issues. The overall objectives of the European Year were to raise public awareness of the right to equality and non-discrimination, to celebrate and welcome diversity and to promote good relations between the various groups in society to eliminate stereotypes, prejudice and violence.

As well as having a broad geographic scope (all 27 EU Member States and Iceland, Liechtenstein and Norway were involved), the Year aimed to reach out to all equality stakeholders. Whether targeting a business or general audience, a key feature of the EYEO was the aim to raise awareness about rights and to encourage respect of diversity.

EYEO actions were decentralised. To that end, the 30 participating countries were each to designate a national implementing body (NIB), which was generally located in a ministry. Each NIB was to design a national strategy to implement the EYEO in close cooperation with civil society. It was deemed crucial to strengthen the links between actors already working together and to reach out to new organisations, companies and individuals.

During the EYEO some EUR 15 million was made available for projects and activities at national level. In addition, more than EUR 7 million have been invested at European level for the European-wide activities. With more than 430 national actions bringing about over 1 600

activities to spread the messages of the EYEO, and over 1 700 other activities giving ‘moral support’ (activities which did not receive EU funding) to the action, the Year can be considered a success.

The most important factor in the EYEO's success was certainly the political commitment of the Member States, the European institutions and civil society. The Year gave the momentum for many steps forward in policy, not least the Commission's own proposal for a new anti-discrimination directive in 2008. The Member States not only allocated considerable resources for practical implementation, but were also prepared (sometimes for the first time) to discuss openly the situation regarding discrimination in their countries and to draw up public strategies for tackling the problems identified. As a result, in many countries a sustained dialogue was established with local authorities, policymakers and civil society organisations and between them, thereby sowing the seeds of improved governance of equality issues for the future.

On 19 June 2009, the Commission adopted a communication on the implementation, results and overall assessment of the 2007 European Year of Equal Opportunities for All (EYEO)<sup>54</sup>.



**2007 — European Year of Equal Opportunities for All**

<sup>53</sup> More information about the EYEO at : <http://www.equality2007.europa.eu>

<sup>54</sup> The communication can be downloaded at: <http://www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0269:EN:HTML>

### *A day to celebrate our diversity!*

Diversity Days to celebrate diversity in Europe are being held in four Member States (Cyprus, Luxembourg, Portugal and Sweden) this autumn (2009) and they promise to interest and entertain the public while bringing the message of the benefits of diversity to as many as possible. Diversity Days are just one initiative of the EU-wide 'For diversity – Against discrimination' information campaign, which aims to raise awareness of discrimination and to give advice on how combat it. Each Diversity Day is to be organised in a way that ensures an interactive, educational and interesting experience for all. A key event will also be held where local and national organisations come together to challenge people to think about and take responsibility for their own attitudes and behaviour and to recognise positive benefits of diversity to the workplace and to society as a whole.



More information at:

<http://ec.europa.eu/antidiscrimination> and

<http://www.stop-discrimination.info>

The campaign is also up and running in all 27 Member States and EU-wide and national awareness-raising activities for 2009 are well underway, all of which are directed towards spreading the message that discrimination is wrong and that diversity is to be embraced. For example, the 2009 journalist award competition<sup>55</sup> has been launched once again and seeks to honour online or print journalists in the EU who contribute to a better public understanding of the benefits of diversity and the fight against discrimination. Ahead of the 2010 European Year for Combating Poverty and Social Exclusion<sup>56</sup>, there will be a special 2009 award for an article on the interrelationship between discrimination and poverty.

Only by raising awareness of discrimination and bringing the benefits of diversity to light will everyone in the EU be able to live their life free from discrimination and to fulfil their potential. The campaign has been run since 2003 by the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities and aims to make Europeans aware of their rights and responsibilities in the field of discrimination under the EC directives.

<sup>55</sup> <http://journalistaward.stop-discrimination.info>

<sup>56</sup> <http://2010againstopoverty.europa.eu>

### 3.3. NGOs and trade unions standing strong to raise awareness and monitor/develop non-discrimination rights

The following examples show the diversity of approaches and the creativity developed by NGOs and trade unions to raise awareness about, and monitor and develop, non-discrimination rights and policy. Activities do not only help support existing legislation and shed light on the ‘traditional’ vulnerable groups. They can also help open new avenues and address the non-discrimination rights of other groups. The 2007 European Year of Equal Opportunities for All was an opportunity for some of the participating countries (e.g. Ireland, Italy or Portugal) to carry out activities that helped making transgender people and their concerns visible and spoken out.

*The ‘On the way to equality’ media campaign – raising awareness on discrimination in Slovakia*

by **Šarlota Pufflerová**,  
*Citizen and Democracy, Slovakia*

The project entitled ‘Toward equal treatment: awareness-raising and multi-level empowerment of the civil society and public actors in the field of anti-discrimination’ was implemented jointly by four Slovak non-governmental organisations led by the Citizen and Democracy association during 2008. The key objective was to positively influence the Slovak public through a series of various activities responding to the fact that discrimination is a complicated, structural problem. Multi-level interdisciplinary approaches

- legal, sociological, psychological and media - to problem solving were chosen in order to meet the objectives and to improve the effectiveness and synergy of the steps.

The concept of the ‘On the way to equality’ media campaign redefined the incorrectly or insufficiently understood the term ‘discrimination’ and linked it to topical examples of discriminatory behaviour. It offered a model of non-discriminatory behaviour with which even a problematic, ‘less tolerant’ part of the Slovak population could identify. In countries with as low a legal awareness as in Slovakia, one can only hardly rely on the knowledge of the constitution, international documents or human rights in general. Moreover, different target groups require different forms of presentation. Experts will take an utterly different approach to



Poster of the media campaign ‘On the Way to Equality’, Slovakia

discrimination than employers or public institutions. Also, it is different to communicate with a person who is discriminated against because she is a woman than to communicate with individuals discriminated against on grounds of their religion or ethnic origin.

To address everyone – the general public – is the most challenging task. But this was one of the main objectives of the project. Several research studies have shown that Slovak citizens are generally not clear about discrimination issues. The only way to appeal to as many people as possible was to present the topic in electronic media, using advanced technologies. Therefore it was decided to take advantage of the means and possibilities offered by the virtual world of the internet and to present (anti)discrimination via a specialised portal: <http://www.diskriminacia.sk>

Even though the media campaign had a relatively substantial impact and quite a lot of people noticed it (some 20% of the population), its effects did not last long once it was finished. The effects of such a campaign can only be sustainable if relevant information is permanently available in a form that is understandable for people with various interests and levels of education, in different life situations, and provided it is presented in a clear way. From this point of view, an Internet-based presentation is an extremely effective method of delivering information about discrimination - including most recent updates - to the largest number of people over a long period of time.

More information at: <http://www.oad.sk>

*The activities of the National Council of the Disabled – Info-Handicap, Luxembourg on the United Nations Convention for the Promotion and Protection of the Rights and the Dignity of Persons with Disabilities*

*by Isabel Sturm, Patrick Hurst and Joël Delvaux, National Council of the Disabled – Info-Handicap, Luxembourg*



*Joël Delvaux (right) speaking as rapporteur at the EC annual conference on non-discrimination in Budapest, June 2009*

The United Nation's (UN) Convention for the Promotion and Protection of the Rights and the Dignity of Persons with Disabilities was signed on 30 March 2006 by 128 UN Member States, including Luxembourg. The aims of the convention include the active participation and inclusion in all aspects of life of persons with disabilities. This means guaranteeing to persons with disabilities freedom from barriers, non-discrimination and promotion of opportunities in education, work, access to goods and services and information as well as the right to self-determination, a private life and a family life. The convention will have a significant impact on national legislation. Article 34 of the Convention makes provision for a controlling body at an

international level, the Committee for the Rights of Persons with Disabilities, which assumed its duties on 3 November 2008. Simultaneously the UN has invited all Member States to act at the national level as well. Although, to date, Luxembourg has not yet ratified the convention and therefore has not yet integrated it into its national legislation, the minister in charge of this domain, Ms Marie-Josée Jacobs, announced in December 2008 that the national committee would be made up of persons from the National Council for the Disabled – Info-Handicap and the Supreme Council for the Disabled.

Info-Handicap has therefore decided to take action and on 25 March 2009 it founded a working group with the objective of informing its member organisations and associated members (disabled persons, parents, professionals, legal representatives) of the practical modalities of the UN Convention. A priority was to create a multi-disciplinary group with representatives from all sectors. This group is composed of representatives of various non-governmental organisations, trade unions, the Human Rights Commission and the Conseil National des Personnes Handicapées Info-Handicap asbl (National Council for the Disabled – Info-Handicap). The main task of the working group is to inform people of the practical impact of the UN Convention. This includes the rights resulting from the convention and the way in which they can be implemented, and their impact both for persons who work in this sector and for all persons who encounter persons with a disability. The working group has planned several types of activities, such as organising conferences or round table talks with speakers from Luxembourg and abroad to enable the dissemination of information on specific topics and to exchange ideas.

More information at:  
<http://www.info-handicap.lu>

*Raising awareness about the human rights situation and non-discrimination practices for transgender people*

*Interview with Jane Thomas, Secretary, Transgender Europe*<sup>57</sup>



**Question: Do existing EU directives and national legislation properly address the issue of equality for gender variant people?**

**Jane Thomas:** To a limited extent. Transsexuals do have rights. However, many, if not most, transsexuals still experience discrimination or violence at the workplace, at home and in public. Though covered by existing equality law, many transsexuals are bullied out of their homes and jobs. Yet transsexuals are but a small part of the transgender, or gender variant community. There are intersex individuals, there are also those individuals among us who cannot or do not desire to live explicitly in one or the other sex. Present legislation – including the EU recast gender directive<sup>58</sup> – does not provide a satisfactory framework to equality for these people. There is still much work to be done. With very few exceptions existing national case law, as well as decisions of the European Court of

Justice (EU) and the European Court of Human Rights (Council of Europe), do not address the problems faced by transsexuals. In addition, existing laws vary considerably from country to country within the EU. In about half of the Member States, the EC directives and the gender directive have not been transposed into national law to include gender identity as part of a larger concept of ‘gender’.

**Question: Obtaining documents with an altered name or sex can be a bureaucratic challenge. Does the State have the right to require medical procedures – castration or surgical sterility, for example - as a necessary precondition for the legal recognition of a sexual status?**

**J.T.:** Existing laws make demands upon us, which are increasingly viewed as violations of basic and universal human rights. Supposedly this is what we desire, what we freely accept; but it is pressure, forcing transgender people to choose between the right to have children and the right of integrity of one’s body, on the one hand, and, on the other hand, the right to have documents matching one’s gender presentation. Presenting a passport or other identification that does not match one’s gender can cause problems when applying for a job, crossing borders or just signing contracts – like for a mobile phone.

**Questions: Is there not, however, some progress to be reported?**

**J.T.:** In the past few months, a number of important policy documents concerning transsexuals have been released: ‘Human Rights and Gender Identity, an issue paper’ by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe<sup>59</sup>, the ‘Copenhagen catalogue of good practices’ from the Danish

<sup>57</sup> <http://tgeu.org>

<sup>58</sup> Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. The objective of this Directive is to simplify, modernise and improve community legislation in the area of equal treatment for men and women in employment and occupation by bringing together in a single text the relevant provisions from previously

adopted directives relating to this subject in order to make them clearer and more effective for the benefit of all citizens. For more information see: [http://europa.eu/legislation\\_summaries/employment\\_and\\_social\\_policy/equality\\_between\\_men\\_and\\_women/c10940\\_en.htm](http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/c10940_en.htm)

<sup>59</sup> <https://wcd.coe.int/ViewDoc.jsp?id=1476365&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

Institute for Human Rights<sup>60</sup> and the ‘Homophobia study’ of the European Union Fundamental Right Agency<sup>61</sup> (FRA). These all need to be read and taken into serious consideration. The good news is that, throughout Europe, NGOs, specifically transgender groups and allied human rights organisations, are increasingly connecting and becoming politically active. At the European and international level, Transgender Europe together with, among others, the International Day Against Homophobia and Transphobia Committee<sup>62</sup> (IDAHO) and the International Lesbian and Gay Association<sup>63</sup> (ILGA), highlighted the discrimination of transgender people in a joint 2009 campaign. Together we wrote and launched ‘Reject transphobia, respect gender identity: an appeal to the United Nations, the World Health Organization and the states of the world’<sup>64</sup>. The work continues.

**Question: Can you tell us a bit more about your organisation, Transgender Europe?**

**J.T.:** Transgender Europe was a result of the first European Transgender Council held in Vienna, in November 2005. This Council came into being through the work of the Austrian NGO TransX, which decided to mark its 10<sup>th</sup> anniversary by organising an event for transgender people throughout Europe. The second council was held in Berlin in 2008; some 200 activists from more than thirty countries attended. The third council is expected to take place in 2010. We are now in the process of selecting a host. These events are organised by local groups of transgender activists; they are a unique opportunity for transgender groups to multiply efforts, strengthen networks, coordinate campaigns, learn and exchange best practice, and formulate political demands and strategies. They are seen as a tremendous support by the participants and for the groups, communities and countries represented. The first two councils were held under the patronage of the city councils and mayors of Vienna and Berlin.

60 <http://www.humanrights.dk/news/new+dihr+publication+to+combat+hate+crimes>

61 [www.fra.europa.eu/fraWebsite/attachments/FRA\\_hdgso\\_report-part2\\_en.pdf](http://www.fra.europa.eu/fraWebsite/attachments/FRA_hdgso_report-part2_en.pdf)

62 <http://www.idahomophobia.org>

63 <http://www.ilga.org>

64 <http://www.idahomophobia.org/wp/wp-content/uploads/2009/03/transphobiaappeal-final1.pdf>

### *Teacher unions speaking out for non-discriminatory quality education*

by **Iva Obretenova**,  
*European Trade Union Committee for Education (ETUCE)*

The European Trade Union Committee for Education is the industry federation for the education sector of the European Trade Union Confederation (ETUC). Its work on monitoring, raising awareness and contributing to the development of non-discrimination law at national and EU level is twofold.

On the one hand, as an organisation representing education workers and practitioners in Europe, the ETUCE has a particular responsibility in monitoring EU developments, gathering, analysing and spreading information to its member organisations (110 national teacher trade unions in all EU, EFTA and candidate countries). Since 2003, the ETUCE has reinforced its work in relation to legislative and policy initiatives from the European Commission in the anti-discrimination field. The impact of legislative proposals in the education sector are continuously analysed and member organisations informed about all new developments. The ETUCE is developing policy documents and statements, which member organisations are encouraged to use in view of seeking influence at the national level, i.e. via their social dialogue negotiation structures with their national authorities, for example in favour of the adoption of the new proposal for a directive on non-discrimination beyond employment.

In addition, the ETUCE is striving for the mainstreaming of the anti-discrimination concept in all its policies. Concrete examples are its policy statements in relation to teacher education and recruitment, in which ETUCE is in favour of the establishment of national

recruitment policies attracting a teaching body that reflects the full spectrum of society in terms of gender, class, race or ethnic origin, religion, sexual orientation and disability.

On the other hand, national teacher unions can call on the ETUCE's attention and action in relation to particular issues. In relation to anti-discrimination, this has been the case in 2003. AOb, the Dutch ETUCE member organisation introduced an urgent call drawing ETUCE's attention to certain discrimination practices in the education systems both in their own and in other EU countries. The steady violation of Roma children's fundamental human rights, and in particular their right to quality education, prompted the ETUCE to undertake action.

In reaction to AOb's call for action, the ETUCE project 'Development of non-discriminatory quality education for Roma children' was implemented with the support of the EU<sup>65</sup>. This initiative was aimed at raising awareness of the EU anti-discrimination framework as well as comparing it to the national framework for teachers, unionists, teaching assistants, etc. in Hungary, Bulgaria and Slovakia. The project included a crucial legal phase which consisted of trainings for acting teachers to help them to understand the impact of the existing anti-discrimination legislation on the national level and on their own work. Additionally, training for 750 teachers and educators from the three target countries in multi-cultural education has been achieved.

The anti-discrimination field has since become an issue of particular attention for the ETUCE and remains so, providing equal access to quality education for all children, including Roma children in eastern Europe, being among the main demands of ETUCE.

More information at:  
<http://www.csee-etu.org>

65 Supported by the *Community Action Programme to combat discrimination* (see footnote 4).

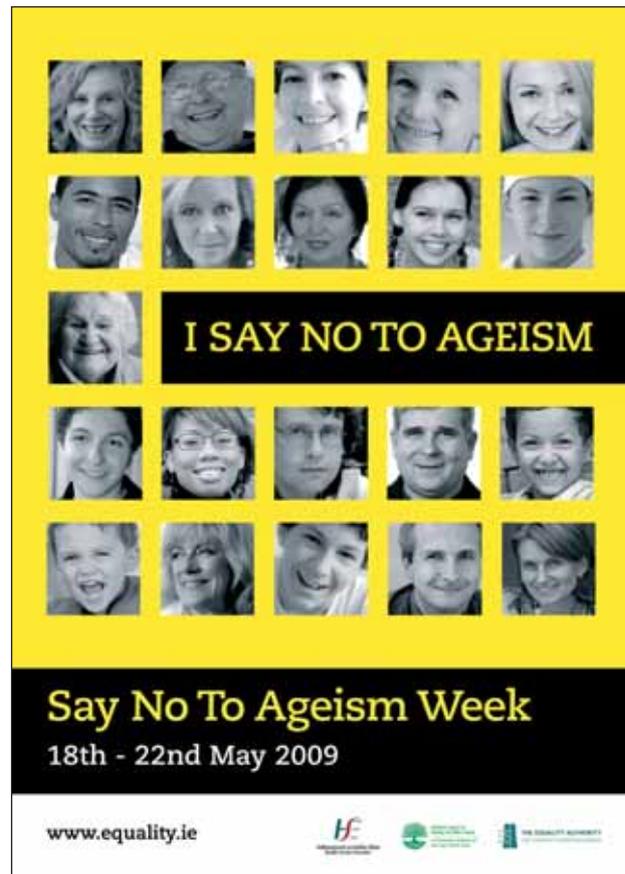
*How the Irish Congress of Trade Unions monitors and helps developing non-discrimination rights*

by **David Joyce**,  
Irish Trade Union Congress

The promotion of human rights and equality is a fundamental principle of trade unionism and part of our daily struggle for freedom, equality and justice for all. The Irish Trade Union Congress (ICTU) believes in equal rights for all workers and is committed to combating all forms of discrimination and promoting equality within workplaces and our trade unions. It is widely recognised that the workplace is a strategic entry point to free society from discrimination and so ICTU places great emphasis on supporting our affiliate trade unions in representing the interests of a very diverse membership.

Irish equality legislation prohibits discrimination on the following nine grounds: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. ICTU is active on all of these grounds and seeks to operate in three major areas: influencing national policy, supporting our affiliate trade unions in equality actions and equality within our own trade union structures. ICTU has an Equality Committee, a Women's' Committee and a Disability Committee.

A major challenge at present is to ensure that equality gains made over recent years are protected during the current crisis and that equality is seen as a core part of our national recovery plan. In that regard, ICTU also promotes the business case for equality by disseminating the research evidence on the positive relationship between workplace initiatives on equality and diversity and organisational performance. ICTU has recently joined with NGOs in the Equality and Rights Alliance to defend and strengthen equality and human rights in Ireland by building a strong



*Poster of the 2009 'I say no to Ageism' campaign of the Irish Trade Union Congress, supported by the Health Service Executive, The National Council for Ageing and Older People, Veolia and The Equality Authority*

alliance of civil society groups that will hold the government and state bodies accountable for the Irish equality and human rights infrastructure.

ICTU recently published an equality policy paper that seeks to identify key equality issues and recommend actions for change from a trade union perspective. This was part of the 2007 European Year of Equal Opportunities for All legacy action programme, coordinated by the Equality Authority and financially supported by the Directorate-General for Employment Social Affairs and Equal Opportunities of the European Commission. ICTU also participates in ETUC equality related Committees.

More information at:  
<http://www.ictu.ie/equality>

*Creating coalitions to raise awareness about discrimination – The experience of the Northern Trade Union Confederation, United Kingdom*

by **Carolyn Clayton**,  
*Northern Trade Union Confederation,  
United Kingdom*

Representing the views of more than 450 000 working people in Northern England, the Trade Union Confederation (TUC) campaigns to promote equality, respect for diversity and tackle discrimination in the workplace and wider society. Combating racism is a key priority for the Northern TUC, particularly in the current economic crisis as the resurgence of Far Right political parties threatens to undermine community cohesion.

The Northern TUC supports trade unions' anti-racism initiatives in the workplace and facilitates links to community groups committed to eradicating discrimination. In the run up to the European elections the Northern TUC created a coalition comprising trade unions, NGOs, anti-racism charities and local community organisations to oppose fascism. The TUC develops a range of strategies and activities and engages audiences designed to:

- raise awareness of discrimination; its causes, consequences and impact;
- recommend policy and legislative measures to address discrimination;
- enlist support from actors in the public, private and voluntary sectors to promote equality and champion diversity;
- influence public opinion to foster a deeper appreciation of the benefits diversity brings and a culture committed to equal opportunities;
- build the capacity of trade union activists to effect positive change by offering practical guidance on the development, implementation, monitoring and evaluation of measures to promote equality and respect for diversity;
- share good practice.



*Carolyn Clayton speaking about the activities of the Northern Trade Union Confederation at the EC annual conference on non-discrimination, Budapest, June 2009*

Activities developed by the Northern TUC include, amongst others:

- a workplace education programme and anti-racism guide for trade union representatives;
- organised educational visits to Auschwitz for young trade union activists;
- music festivals promoting an anti-racist message;
- hosted meetings in community settings to discuss and address problems faced by migrant workers;
- arranging family fun days to diffuse tension and build community relations in localities affected by hate crime and growing sympathy for the Far Right;
- a public demonstration by trade unionists and anti-racism campaigners against the National Front.

It is vital the TUC strengthens links to reach new audiences beyond its traditional sphere of influence. Building on its anti-racism work with NGOs, the TUC has broadened its activity to highlight discrimination perpetrated against other groups, such as women and disabled people, with a view to attracting increased numbers of equality campaigners to promote anti-discrimination measures in civil society.

More information at:

[http://www.tuc.org.uk/tuc/regions\\_info\\_northern.cfm](http://www.tuc.org.uk/tuc/regions_info_northern.cfm)

*The contribution of regional trade unions in the fight against discrimination – the example of CGIL Roma e Lazio*

*Interview with Salvatore Marra,  
New Rights Officer and Steering Committee  
Member of CGIL Roma e Lazio,  
the Italian General Confederation of Labour*



*Salvatore Marra during the plenary discussion at the EC annual conference on non-discrimination, Budapest, June 2009*

**Question: How does CGIL Roma e Lazio monitor the respect of non-discrimination rights in the workplace? Is there any focus on specific grounds of discrimination?**

**Salvatore Marra:** The Italian legislation in terms of non-discrimination in the workplace is set in the 216/2003 Decree which implements the principles included in the EC directives<sup>66</sup>. In Italy, it is very difficult to monitor the respect of non-discrimination in the workplace because national legislation is so weak, first of all because it is very

hard for a worker who is discriminated against to prove this as s/he has the burden of proof, and not the employer. Furthermore, the legislation does not set dissuasive sanctions for employers who discriminate.

To monitor the respect of non-discrimination rights in the workplace, CGIL and its federations (e.g. the federation for public services or the federation for metalworkers) at national and regional level carry out various research in the workplace covering all grounds of discrimination. This also includes publications analysing in detail the legislation and its effects on the workplace.

**Question: What are the main challenges and difficulties CGIL faces when monitoring non-discrimination rights?**

**S.M.:** As mentioned, the Italian legislation is very weak and it is extremely hard for workers to report cases of discrimination. In addition, precarious, seasonal and temporary workers are less protected by legislation and are also less likely to report discrimination.

At regional level, the main internal challenge is the collection of data of the different dispute offices of the CGIL's federations that are in charge of assisting workers in the event of discrimination. The collection of such data would be valuable because it would allow the union itself to understand what the needs of the workers are in this field and to understand what should be the focus and the target of our activities and efforts. Such data would also be of relevance in order to work in collaboration with NGOs and public institutions in order to realise joint actions against discrimination.

**Question: What cooperation to monitor non-discrimination rights has CGIL Roma e Lazio established with NGOs, other trade unions and government bodies?**

**S.M.:** CGIL Roma e Lazio takes an active role together with local authorities and regional

66 See footnote 1.

NGOs in the fight against discrimination. Recently many efforts have been undertaken in the field of racial discrimination: we have been raising awareness of members and non-members with a national campaign, in which the national secretariat has taken a strong negative position against the ‘Security Bill’ which has just been approved by the Italian Parliament<sup>67</sup>.

In addition, our Public Services Federation invited all carers who are members of CGIL to make use of conscientious objection against the ‘Security Bill’ which obliges citizens to report illegal migrants to the police. We are also members of the Permanent Forum of the Municipality of Rome for the Fight against the Discrimination for Sexual Orientation and Gender Identity. At national level, CGIL is in continuous contact with the NGOs’ fora and many initiatives are organised in partnership and many projects are carried out together with NGOs with mutual support. Concrete and specific projects realised jointly by trade unions and NGOs are a good way to foster cooperation and achieve results.

As for cooperation with government bodies, it much depends on their willingness to engage in the field of discrimination. The activity of the Italian Ministry of Equal Opportunity is clearly unsatisfying. The ministry is not active at all in some fields of discrimination and has often openly declared they will not address, for instance, discrimination against sexual orientation. Local authorities in Rome and Lazio are in general more open and ready to help to carry out and support concrete projects. At EU level, we are members of the Italian Working Group of the EU campaign ‘For Diversity-Against Discrimination’<sup>68</sup> and participate in many projects of the European Trade Union Confederation (ETUC).

**Question: Is CGIL Roma e Lazio also active on protecting non-discrimination rights outside the workplace?**

**S.M.:** Being a general organisation of workers and convinced that a worker outside the workplace is a citizen, CGIL campaigns for the full enjoyment of civil rights of every person beyond the workplace too. CGIL and its associations campaign for a national plan of public housing (including the rights for migrant families for public housing), for full public assistance to elderly people and for consumer’s rights.

**Question: How does CGIL Roma e Lazio contribute to further develop non-discrimination rights?**

**S.M.:** CGIL included in Article 1 of its statutes a non-discrimination rule where we recall the non-discrimination principles of Article 3 of Italian Constitution and we call all members to apply to these principles. I think all trade unions should have an anti-discriminatory clause in their statutes and call for its respect among members.

CGIL is running at national and regional level campaigns against xenophobia and racism, as cases of discrimination against migrants are increasing in number, and are increasingly violent. Regional organisations have also established specific departments which work in tight collaboration with the union’s federations on specific grounds of discrimination: disability, ethnic origins and sexual orientation in particular. These departments are active at confederal level and work not only with public institutions in carrying out projects and campaigns, but also offer direct assistance to workers and workplace delegates who need more information about these grounds of discrimination.

67 <http://host1.cgil.it/nuovoportale/banner/tessidiritti/stessidiritti.htm>

68 See page 30.

### 3.4. The business case for diversity

The current EC Directives<sup>69</sup> have a strong focus on non-discrimination in employment and the workplace. The role of employers and their organisations in achieving more equality is thus crucial. An increasing number of European companies take up the ‘Business Case for Diversity’ and adopt diversity and equality strategies, not only for ethical and legal reasons, but also for the business benefits they are expected to deliver. Many of these initiatives also enhance cooperation between NGOs, trade unions and employers to create synergies and advance more efficiently equality.

#### *Tipping the balance – promoting diversity with small and micro enterprises in Ireland*

Chambers Ireland is Ireland’s largest business organisation, with 60 member chambers representing over 13 000 businesses. It promotes the economic and social development of the Irish business community. In 2007, Chambers Ireland started a one-year project called ‘Tipping the balance’ which was supported the Progress programme<sup>70</sup>. The goal of the tipping the balance project was to target small and micro enterprises with a positive message in regard to promoting diversity – as distinct from the message of preventing discrimination. The project aimed to set out best practice and informed small and micro enterprises how they can implement a proactive procedure to facilitate diversity in the workplaces.

Chambers Ireland focused on four key areas where a properly managed diverse workforce can yield benefits: organisational and human capital, enhanced marketing opportunities, improved knowledge of potential customers, and enhanced corporate image and external recognition. The project was conducted along two distinct but intricately interrelated strands. First, the development of resource materials in regard to the business case for diversity as well as the development of best practice guidelines for managing diversity in SMEs; secondly, the

promotion and dissemination of these materials as well as the project message to a wide audience.

Raising awareness of the issue of diversity in the workforce happened from two important angles: the first being that diversity has the potential to yield measurable benefits to a company’s bottom line, and the second being that diversity in itself is not enough to guarantee benefits; it needs to be correctly managed. A set of project materials was developed which promotes the benefits of diversity in the workforce and gives advice on how an SME can successfully manage diversity. The project message and materials were developed in a variety of formats and distributed through a variety of media. This allowed for a very wide national audience to be reached. This is particularly the case with the regional seminars and the website, which allowed for an audience outside of Dublin to actively engage in and benefit from the project. The project also reached a wide variety of stakeholders, and brought together organisations and key stakeholders who rarely, if ever, interact.

Several key stakeholders were directly involved in the successful implementation of the project. This includes many private sector companies, NGOs, the Irish chamber of commerce network, the Equality Authority, the Immigrant Council of Ireland, Business In the Community Ireland and the Irish government. One of the most positive outcomes of the

<sup>69</sup> See footnote 1.

<sup>70</sup> See footnote 4.

project was that new lines of communication were opened up between businesses, business representative associations, and NGOs and national authorities that work specifically in the areas of equality and diversity. In many ways, the interaction led to a new-found mutual respect and understanding between organisations who might previously have regarded each other with suspicion.

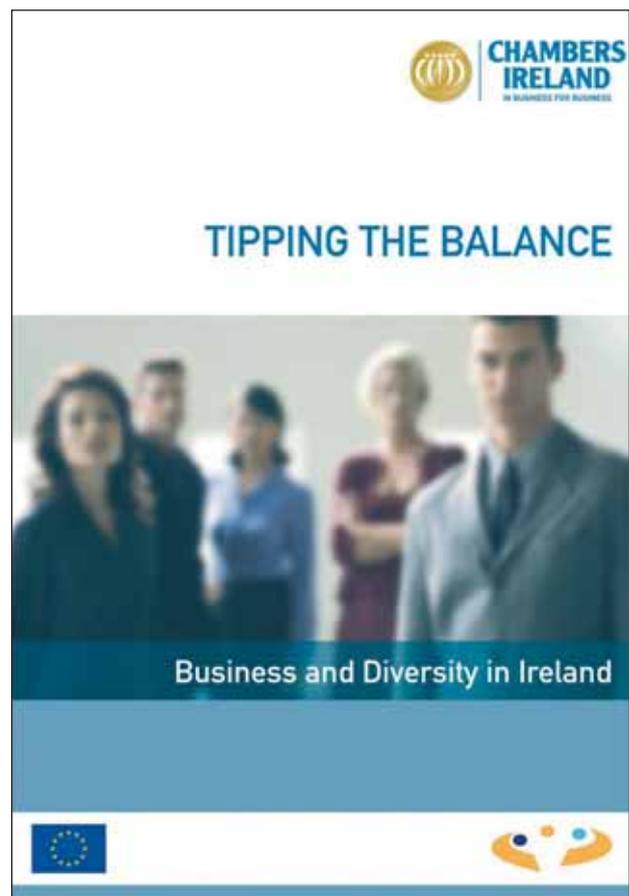
One important lesson learned from this project was that organisations that have diverging views on many issues can successfully cooperate to further a common cause. While Chambers Ireland and the Equality Authority may be on opposite ends of the spectrum on many issues, the two organisations were able to cooperate in many areas over the course of the tipping the balance project. Related to this is the lesson that an organisation can look outside non-traditional areas for potential partnerships, as Chambers Ireland opened lines of communication with a number of NGOs and voluntary organisations as a result of their interaction on the project.

Another lesson learned was that the vast majority of businesses in Ireland wanted to conduct their operations in a fair and equitable manner. One of the major reasons behind businesses infringing on employment law was not a lack of respect of employees or greed, but a lack of knowledge or understanding of specific legal points. Businesses are hesitant to approach labour organisations or employment rights authorities to ask for advice in case it draws adverse attention to their company. Having information on best practice in managing diversity coming from a chamber of commerce, who are seen as an organisation friendly to business, allowed businesses to be confident that they would receive the best advice for their business.

As a result of Chambers Ireland cooperation with the Equality Authority on the tipping the

balance project, in 2009 Chambers Ireland has been involved in projects directly related to diversity in the workplace. One of them is a project called 'Action strategy for integrated workplaces' which aims to resource business networks to respond to the needs of employers in developing integrated workplaces. In this context, three local chambers of commerce have been selected to become involved, and Chambers Ireland will be providing these chambers with access to the tipping the balance project website and project handbook. This enables the work done under the tipping the balance project to have continuing relevance and reach a new audience.

More information at:  
<http://tippingthebalance.ie>



*Poster of the 'Tipping the balance' project*

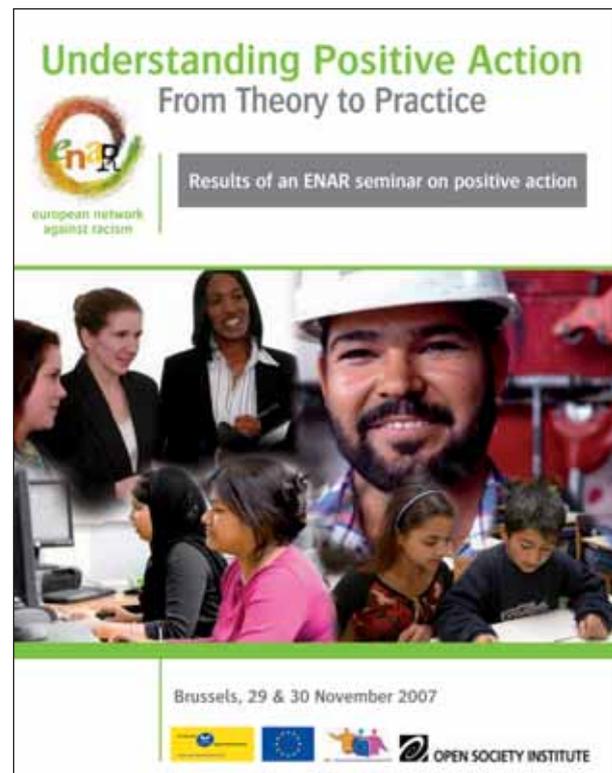
*ENAR's ad hoc expert group on  
employment and equality –  
achieving better participation of  
ethnic and religious minorities  
in the labour market*

by **Pascale Charbon**,  
Director, European Network Against Racism

Realising equality and diversity continues to be one of the key challenges facing labour markets within the EU Member States. The integration of migrants and ethnic and religious minorities in their respective host societies is determined to a large extent by their opportunities to actively participate in gainful employment. However, several reports confirm that in most EU Member States these groups have much lower labour force participation rates and employment rates than members of the majority or migrants from other EU/EEA countries. The same patterns of disadvantages apply to the situation of ethnic and religious minorities when it comes to income, wages and salaries, where marked income differences between nationals and immigrants can be observed in all EU member states.

In line with the 10 concrete actions adopted at the last EU Employment Summit in Prague in May 2009, the Swedish Presidency will, during its mandate, examine the means necessary to achieve full employment and more inclusive labour markets as a cornerstone for the post-Lisbon strategy on growth and jobs. This should mean not only addressing the needs of recently unemployed workers affected by the financial crisis, but also addressing the situation of vulnerable groups particularly affected by structural unemployment. The post-Lisbon strategy should focus on the most excluded, inter alia by combating discrimination in access to employment, investing in life-long learning for vulnerable groups and by supporting social economy initiatives.

In order to support policy developments in redressing disadvantage experienced by minority groups, the European Network Against Racism (ENAR) is in the process of setting up a specific Ad-Hoc Expert Group in order to address the issues and challenges related to better participation of ethnic and religious minorities in the labour market. Organised under the patronage of the European Economic and Social



Poster of ENAR seminar on positive action, November 2007

Committee (EESC), and with the support of Adecco, IBM and Sodexo multinational companies, the ENAR Ad-Hoc Expert Group on Employment and Equality aims to reflect in a proactive manner on the policy responses which the renewed European social agenda and the Lisbon strategy (post-2010) could bring to the structural problems of participation in the labour market which ethnic minorities experience in the EU. The Ad-Hoc Expert Group will have a multiple stakeholder approach and involve the participation of ENAR members, representatives of employment ministries from a few EU Member States as well as from the European Commission, trade unions and employers.

The key objectives of the project are to:

- build the capacity of ENAR members by developing the knowledge of the issues at hand and empower them to proactively identify actions at national level through joint projects and initiatives;
- develop recommendations that can enable the European Union, Member States, trade unions and employers' organisations and NGOs to better engage with the policy issues and processes and develop joint advocacy strategies on issues of employment and equality.

More information at: <http://www.enar-eu.org>

## Part 4: Keeping the pace in the fight against discrimination

### 4.1. The 2009 annual thematic conference on non-discrimination issues in the EU

The 2009 annual anti-discrimination conference, organised by the European Commission, was held in Budapest on 25-26 June 2009 and focused on the the 'role of NGOs and trade unions in combating discrimination'. It brought together over 180 participants representing a wide range of NGOs and trade unions, equality bodies, and national governments from the 27 Member States, Iceland, Norway, the Former Yugoslav Republic of Macedonia and Turkey as well as representatives of the European Commission.

The conference looked more closely at the important contributions of NGOs and trade unions in combating discrimination and gave to participants an opportunity to exchange ideas and good practice and to learn from each other's experiences. The key themes discussed during this conference covered the role of NGOs and trade unions in making non-discrimination rights

effective, in raising awareness and in monitoring and developing non-discrimination laws and policies.

The Hungarian government as host country of the conference was represented by Edit Rauh, State Secretary for Equal Opportunities at the Ministry of Social Affairs and Labour of Hungary. In her welcoming speech to participants, she stated that efforts must continue to fight discrimination on all grounds and she called for improved equality mainstreaming in all policies.

NGOs and trade unions at European level were represented by the European Trade Union Confederation (ETUC) and Social Platform. Catelene Passchier, Confederal Secretary of ETUC insisted on the distinct but complementary roles of trade unions and NGOs in fighting discrimination. Together NGOs and trade unions can be stronger in reaching out to discriminated groups. Conny Reuter, President of Social Platform underlined the importance for national governments of involving social partners and civil society in any policymaking and activity regarding equality. ETUC and Social



Platform presented a draft joint declaration on non-discrimination to be adopted before the Stockholm Equality Summit in the autumn of 2009<sup>71</sup>.

The first session of the conference was dedicated to in-depth discussions on the role of NGOs and trade unions in making non-discrimination rights effective. In her keynote speech Isabelle Chopin, Deputy Director of the Migration Policy Group, focused on the legal tools available to trade unions and NGOs when providing assistance to victims of discrimination. She stressed the importance for NGOs and trade unions to engage in legal proceedings, to cooperate on all grounds of discrimination, including on multiple discrimination and to share their expertise and experience amongst each other. She also underlined that effective structures for dialogue are needed between public authorities and NGOs and trade unions at national level as well as targeted support in the form of training to help NGOs and trade unions further build their capacity.

In the subsequent debates in workshops and the panel discussion, many participants agreed that NGOs and trade unions at all levels should increase their cooperation in the fight against discrimination, including beyond the six grounds covered by the current EC directives. Many recommendations for further actions were raised: amongst others, participants asked for continued support for training on non-discrimination rights for NGOs and trade unions but also for bar associations, legal aid lawyers and the judiciary. Many participants insisted that training should be accessible in national languages and in the languages of national minorities. Other recommendations put forward include the need to make more funding available for NGOs and trade unions to support them in litigation and targeted support to victims of discrimination. Participants also asked for strong support for preventive measures and mediation, and the setting up of permanent contact points at local

level to deal with discrimination complaints. Many participants also called for a clarification of the role of equality bodies and underlined the positive impact they could have in fostering cooperation between stakeholders including the exchange of good practice. The need for cooperation with employers' organisations was also underlined several times.

The second session of the conference focused on the role of NGOs and trade unions in raising awareness and developing and monitoring national non-discrimination law and policy. In his keynote speech Ron Holz hacker, Assistant Professor from the University of Twente in the Netherlands, underlined the need for NGOs and trade unions to raise awareness among the wider public, to rethink their target groups and establish cross-border cooperation with other NGOs and trade unions abroad and to share ideas and good practices. He called upon NGOs and trade unions to establish alliances with other societal actors, such as football leagues. Also, he insisted on how crucial it is that participatory democracy mechanisms are in place to ensure the better involvement of civil society in national policymaking and the implementation of non-discrimination measures.

In the following discussions, several participants underlined that in a context of economic recession, it is important to build strong alliances between NGOs and trade unions to promote equality as a core societal value and advance a response to economic recession that creates a more equal Europe.

Participants agreed widely that it is necessary to develop greater cooperation between trade unions and NGOs, including across borders, to ensure people are better informed of their rights under equality legislation and are more effectively supported to exercise those rights. Equality bodies could assist by creating the necessary context for this cooperation. Among other things, participants suggested that at national level working groups

<sup>71</sup> For more information on the Equality Summit, see page 50.

should be set up composed of trade unions and NGOs to discuss national policies and develop strategies to monitor and develop non-discrimination rights. Participants also insisted that specifically targeted measures are needed to strengthen NGOs and trade unions in several countries in central and southern Europe. More specifically for trade unions, participants suggested that they should strive for a wider representation and take better account of the needs of vulnerable groups in collective bargaining. NGOs should facilitate ad hoc cooperation between NGOs for common activities across the different grounds of discrimination. It was also underlined several times that the business sector needs to be involved and that equality has to become an issue of concern for the wider society.

It was also emphasised that national governments should increase efforts to disseminate information on equality and give more financial support especially to small-scale NGOs, working at local level.

Finally, many participants stated how important it was to expand and strengthen legislation, including on multiple discrimination. Actions of NGOs and trade unions should not be limited to the six grounds as mentioned in Article 13 of the EC Treaty as there are many

other grounds on which people are today discriminated against, including HIV infection and transgender.

Lennart Rohdin, Political Adviser to the Minister of Integration and Gender Equality in Sweden assured that the Swedish Presidency in the second half of 2009 would work to ensure that decisions can be taken on the proposed directive on equal treatment outside employment. He also insisted that fighting discrimination needs the enlarged cooperation of all sectors of society – government, private business, as well as civil society.

Belinda Pyke, Director for Equality between women and men, action against discrimination, civil society from the Directorate-General for Employment, Social Affairs and Equal Opportunities at the European Commission closed the conference by stressing the importance of social dialogue and civil dialogue and underlined again the complementary role of NGOs and trade unions in combating discrimination. She also reminded participants of the beneficial effects of the 2007 European Year for Equal Opportunities for All, and called upon sustained cooperation at national level between government authorities and civil society organisations and between civil society organisations themselves.

## 4.2. 'Fight discrimination and guarantee equality for all' - ETUC and Social Platform call on European politicians to do more and better



**European Trade Union Confederation (ETUC)**  
**Confédération européenne des syndicats (CES)**

Social inequality is on the rise everywhere in Europe and discrimination of vulnerable groups of citizens and workers not diminishing but often increasing. More needs to be done by all relevant stakeholders at all levels including the European level to fight discrimination and make equality for all a reality.

socialplatform

Taking into account that trade unions and social NGOs in European societies have complementary roles to play, with trade unions being the workplace and labour market actors on behalf of workers and their families, and social NGOs often being closest to the specific experiences and needs of groups that are vulnerable to discrimination, it is important to join forces.

ETUC, the European Trade Union Confederation, representing 82 trade union organisations in 36 European countries and 12 European industry-based federations, and Social

Platform, the largest civil society alliance gathering 43 European networks fighting for social justice and participatory democracy in Europe, have therefore decided to jointly address national and EU leaders and politicians to ensure that fighting against inequality, unfair treatment and discrimination is recognised as a top priority, which must be urgently tackled alongside the current economic and financial urgencies.

The draft joint declaration, to be finalised and adopted before the Stockholm Equality Summit of November 2009, calls on national and EU leaders and politicians to:



## DRAFT JOINT DECLARATION



European Trade Union Confederation (ETUC)  
Confédération européenne des syndicats (CES)

socialplatform

- **Adopt the draft directive on non-discrimination outside employment**, to cover all discrimination grounds. The European Parliament is supporting this initiative. It is now up to Member States in the Council to unanimously agree on it. Social Platform and ETUC consider that the same level of protection for everybody, regardless of discrimination ground, is the simplest and fairest choice. This would give the EU a strong and coherent legislative framework to counter all forms of discrimination in all Member States.
- **Address remaining gender gaps and ensure gender mainstreaming.** Much progress has been made in the area of gender equality, but much remains to be done, with still an average 17% gender pay gap in the EU and only 9.7% of the board members of the top 300 European companies being female! The existing legislation must be better implemented, but also further strengthened, for instance in the area of reconciliation of work and private life. More investment is also needed in care infrastructures and in actions to promote women in decision-making. To achieve this, gender mainstreaming in all policy areas is a key priority.
- **Mainstream equality in all EU policies**, going beyond Article 13 of the EU Treaty which only covers an exhaustive list of discrimination grounds. EU decision makers should adopt a broader approach to fight against all types of discrimination, incorporate a ‘fundamental rights’ approach in the Commission’s impact assessments, and introduce non-discrimination-proofing of the application of the Structural funds and public procurement.
- **Invest in strong social policies and public services that support equality**, because strong and inclusive social policies in the areas of employment, social security, housing and care infrastructures are an essential precondition for a positive climate preventing and countering discrimination.
- **Develop proactive migration and integration policies** which are essential to prevent and counteract xenophobia and racial and religious discrimination. EU and national policies should offer migrants legal channels for migration at all skills levels, protection against exploitation and equal rights and opportunities in our societies, and respect the human rights of all migrants, including undocumented ones.
- **Work in partnership with trade unions and civil society organisations**, as policymaking should not only be done for people but also with people. Trade unions and civil society organisations should be recognised as each having a specific and complementary role in giving voice and representation to people inside the workplace, the labour market and society at large, and should therefore be informed, consulted and involved in any policymaking and activity regarding equality.
- **Finally**, equality legislation and policies are important but not sufficient. Therefore, ETUC and Social Platform call on the EU institutions and the Swedish Presidency to take the necessary steps to develop and implement the **new social deal** they have been calling for in recent times to tackle the economic crisis.

The final text of the joint declaration will be available at: <http://www.socialplatform.org> and <http://www.etuc.org>.

### 4.3. EU Member States committed to combat discrimination

*Enhancing cooperation for equality - the example of Sweden*

by **Lennart Rohdin**

*Political Advisor,*

*Ministry for Integration and Gender Equality, Sweden*

Sweden is assuming the Presidency of the European Union in the second half of 2009. It is for the second time ever. Our task is to act in the interests of the entire EU and to energetically pursue the issues on the EU agenda. Our ambition is to conduct an open, responsive and results-oriented Presidency, focusing on issues of interest to the citizens of Europe. Leading the EU is a task not only for the government, but for the whole of Sweden.

Europe and the world are in the midst of the most serious economic crisis of modern times. At the same time, perhaps the greatest challenge of our generation is managing the climate change. These are the two priorities that dominate the Swedish Presidency. The economic crisis underscores that the social exclusion of individual citizens from a fully integrated society, is not only a major challenge to the basic principles of human rights which our European cooperation is based on. It is also a challenge to our many joint efforts to reverse the economic crisis. To ensure growth and development, the EU must become better at utilising the full potential of all women and men. Every single human being is needed in the efforts for economic recovery and building a strong society in the European Union. We need a wide range of cooperation of all sides of society. It is a cooperation where no one is excluded or discriminated.

Work to counter all forms of discrimination is a priority for the Swedish Government. The Presidency will work to ensure that decisions can be taken on the directive on the equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation.

Sweden has, since 1 January 2009, a new enhanced legislation against discrimination including all obligations of the present EU legislation - also the right of NGOs to represent a citizen being discriminated. The former four ombudsmen have been replaced by a single ombudsman against discrimination responsible for all grounds of discrimination, which therefore also better covers multiple discrimination. The Swedish government is, however, already in the midst of exploring possibilities to further extend the protection against discrimination because of disability and age.

The role of NGOs and trade unions is important in combating discrimination. That is essential for my government. The efforts to combat discrimination need an effective legislation and measures by national, regional and local government. But the participation of NGOs and the social partners is absolutely essential in these efforts. We need an enlarged cooperation of all sectors of society – government, private business as well as civil society.

An important step forward in this respect for us is the agreement between the Swedish government, national idea-based organisations in the social sphere and the Swedish Association of Local Authorities and Regions concluded last October. The agreement is the result of a yearlong dialogue between the partners.

The starting point is to recognise, make visible and reinforce the indispensable role of the idea-based organisations in Swedish society. The fundamental values are autonomy and independence of the organisations in their role of articulating interests, both with regard to the public sector and the business sector.

Civil society is a force for democratic anchoring and vitalisation, for local and regional development and for the renewal of welfare. Interaction between the public sector and civil society is of key importance for development of society.

The agreement is based on a continued and regular dialogue between the partners. Dialogue is a vital tool. From a rights perspective, it is important that those who are affected by public decisions can assert their rights and interests either

individually or through interest organisations. For example, the right to accessibility contributes to a society, where everyone participates. We are now in the midst of preparing the next step - a second agreement - which will cover the area of integration.

The role of NGOs and trade unions in raising awareness against discrimination is vital all over Europe, not least today in the midst of the economic crisis. Increased social exclusion is an imminent threat to our societies. What has happened this spring to local Roma communities and families in several countries is outrageous, but not a challenge only to the countries concerned.

It is a reflection of the status of all of our European societies today and therefore a challenge for the entire European Union. The stereotypes and hatred among ordinary citizens can effectively only be combated at the local level by efforts by the civil society – by you and me in our local communities. The situation and wellbeing of Roma societies is a reliable indicator of the level of each and every one of our societies.

### *Third Equality Summit – Stockholm Sweden, November 2009*

The Swedish government is hosting the third Equality Summit to take place in Stockholm on 16-17 November. We will be in the midst of the Swedish efforts to proceed in the deliberations to finalise the directive on the equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation. We are of course looking forward to have the deliberations of the conference held in Budapest in June 2009 carried further, as a substantial contribution to the work of the summit.

Equality and combating discrimination need committed actions by governments, but can never be achieved exclusively by governments. You need the full cooperation by all sectors of society – public, private and civil society. We will ensure that there is plenty of time for discussions among all the participants. The main theme of the Equality Summit in Stockholm will hence be Cooperation for Equality!



*(Source: Swedish presidency website)*

### *Equality Summits – some context*

Since 2007, annual high-level equality summits have been arranged for ministers, national equality bodies, NGOs at EU level, EU social partners and representatives of international organisations to share knowledge and experience so as to develop stronger and more effective ways of working against all forms of discrimination, and to promote equal rights and opportunities for all in the EU.

The first summit took place in Berlin in 2007 in conjunction with the launching of the 2007 European Year of Equal Opportunities for All. The second one was held in Paris in autumn 2008.

At each Equality Summit, a mandate is given for continued work on a special theme during the next year. In Paris, a decision was taken to focus on equality mainstreaming and multiple discrimination at the next meeting in 2009 in Stockholm.

About 300 participants are expected to participate at the third Equality Summit, including representatives from EU Member States and candidate countries, EFTA countries, EU institutions, NGOs and the social partners. The high-level meeting hosted by the Swedish Presidency of the Council of Ministers is sponsored by the European Commission.

More information about the third Equality Summit at:

[http://www.se2009.eu/en/meetings\\_news/2009/11/16/equality\\_summit](http://www.se2009.eu/en/meetings_news/2009/11/16/equality_summit)

#### 4.4. The proposal for a new anti-discrimination directive

According to Article 13 of the EC treaty, the European Union can act to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. However, EU-wide legal protection is not yet in place to deal with discrimination on the grounds of religion or belief, disability, age or sexual orientation beyond the labour market.

Within the framework of the 2007 European Year of Equal Opportunities for All, the European Commission announced that it intended to propose measures in mid-2008 to extend the existing legal framework which prohibits discrimination on these grounds in employment, occupation and vocational training but not in other areas of life. This took the form of a proposal for a directive adopted on 2 July 2008.<sup>72</sup>

The draft directive aims to implement the principle of equal treatment irrespective of religion or belief, disability, age or sexual orientation outside the labour market. It establishes a uniform minimum level of protection within the European Union for people who have suffered discrimination.

The draft directive outlaws discrimination in social protection, including social security and health care, social advantages, housing, education and access to and supply of goods and services that are available to the public. The draft directive prohibits direct and indirect discrimination and harassment and places the providers of goods and services under a duty of reasonable accommodation, in accordance with the recently adopted UN Convention on the rights of people with disabilities. As in the other two anti-discrimination directives, which were adopted in 2000, the Member States can choose to provide a higher level of protection than the one introduced by the draft directive. In some cases, the draft directive allows difference in treatment, but only if such a difference can be justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. It includes the same provisions on positive action, defence of rights, burden of proof, victimisation and sanctions as the other two EC directives. It also stipulates the designation of equality bodies to promote the principle of equal treatment, as provided for in the racial equality directive.

In April 2009 the European Parliament, with a significant majority, voted in favour of a report supporting the introduction of a new EU anti-discrimination directive<sup>73</sup>.

72 Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM(2008) 426. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:HTML>

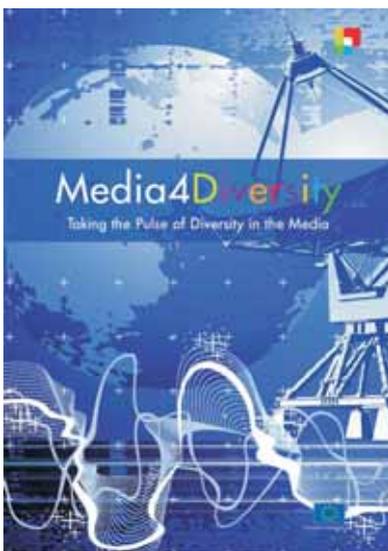
73 For more information: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2009-0211>

#### 4.5. Recent and forthcoming EU initiatives for combating discrimination

##### *Media4Diversity - European study on media and diversity*

The recent European Commission's publication *Media4Diversity* outlines the findings of a pan-European study on media and diversity conducted in 2008 by a consortium led by Internews Europe (Paris) in partnership with the Media Diversity Institute (London) and IFJ- the International Federation of Journalists (Brussels).

In particular, it highlights 30 initiatives that merit attention because, on the one hand, they were able to combine innovation and originality in addressing diversity issues in an increasing competitive and commercial European media space; on the other hand, they can give lessons on how to create media cultures of diversity across Europe. The publication also includes a set of recommendations to the media, civil society organisations and policymakers on how to further develop diversity in European media and to respond to the information needs of an increasingly diverse population, thus contributing to social cohesion in European societies.



To order a copy of the printed English and French versions of this publication, please send your request to [EMPL-antidiscrimination@ec.europa.eu](mailto:EMPL-antidiscrimination@ec.europa.eu)

##### *Mapping study on trade unions' practices in fighting discrimination and promoting diversity*

At the beginning of 2009, the Commission has contracted with the Working Lives Research Institute, based at London Metropolitan University, to map Europe's most significant and innovative trade union policies or practices in fighting discrimination and promoting diversity.

To this end, the Working Lives Research Institute is cooperating with national experts in discrimination and/or trade unions in 34 European countries, including all EU and EEA countries, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Turkey, as well as with a team of thematic experts in relation to Article 13 grounds of discrimination.

The research will identify and select 125 significant and/or innovative initiatives taken at European and national level by trade unionists since 2003 to combat discrimination and promote diversity in the working environment. There will be a special focus on trade unions engaged in the public sector or in the delivery of public services, including healthcare, education and media professional unions.

The emphasis will not only be on the external workplaces, in which unions operate, but also on how the unions work. The mapping will include those positive measures trade unions have introduced within their own structures and activities to promote diversity among their membership and their paid or elected officers.

The findings will be validated in a seminar to be held in Spain in March 2010. It should help providing suggestions for further action, in particular on how these good practices can be made more visible and used, and how the Commission can better support the awareness of trade unions' activities in that field.

*Support for voluntary initiatives promoting diversity management at the workplace across the EU*

The promotion of diversity in companies is increasingly seen as a strategic business response to more diverse societies, customers, marketplaces and human resource pools. While anti-discrimination legislation provides the 'push factor' in encouraging business to develop and implement internal diversity policies, the 'business case for diversity' is looking at the 'pull factors' that should, once recognised, encourage companies to embrace and manage diversity. It argues that companies have real business benefits to gain from the adoption of diversity practices.

The European Commission recently commissioned two studies in this field: 'The business case for diversity: good practices in the workplace' (2005)<sup>74</sup> and 'Continuing the diversity journey – business practices, perspectives and benefits' (2008)<sup>75</sup>.

In the framework of the work carried out in 2008, organisations and persons in charge of

implementing or facilitating national or regional diversity charters had a first opportunity to meet, exchange their experiences and learn from each other. Upon request of these organisations and persons in charge, the European Commission wishes to support this process of exchange and mutual learning further.

The call for tender entitled 'Support for voluntary initiatives promoting diversity management at the workplace across the EU' has been launched by the Commission in 2009 and focuses on:

- creating and maintaining a platform for EU-level exchange between organisations and persons in charge of promoting and implementing national and regional diversity charters;
- developing and implement a European diversity at the workplace award and/or index scheme and diversity benchmark data for and with business.

For more information related to the business case for diversity please visit:

<http://ec.europa.eu/social/main.jsp?catId=780&langId=en>

<sup>74</sup> <http://ec.europa.eu/social/main.jsp?catId=780&langId=en>

<sup>75</sup> <http://ec.europa.eu/social/main.jsp?catId=88&langId=en&eventsId=125&furtherEvents=yes>

European Commission

The Role of the NGOs and Trade Unions in Combating Discrimination

Luxembourg: Publications Office of the European Union

2009 — pp. 53 — 21 × 29.7 cm

ISBN 978-92-79-13157-8

doi: 10.2767/53487

This publication is available in printed format in English, French and German.

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ISBN 978-92-79-13157-8



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